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Activities and Summary Report on the House Committee on Government Reform: 107th Congress

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Union Calendar No. 506

107TH CONGRESS }
2d Session

HOUSE OF REPRESENTATIVES

{ REPORT
107-805

ACTIVITIES

OF THE

HOUSE COMMITTEE ON GOVERNMENT REFORM

ONE HUNDRED SEVENTH CONGRESS

FIRST AND SECOND SESSIONS

2001-2002

(Pursuant to House Rule XI, 1(d))



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JANUARY 2, 2003.—Committed to the Committee of the Whole House on
the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 2003

COMMITTEE ON GOVERNMENT REFORM

DAN BURTON, Indiana, *Chairman*

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ADAM H. PUTNAM, Florida	_____
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, January 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's activities report to the 107th Congress.

DAN BURTON,
Chairman.

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ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT REFORM

JANUARY 2, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BURTON, from the Committee on Government Reform,
submitted the following

REPORT

ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT REFORM, 107TH CONGRESS, 1ST AND 2D SESSIONS, 2001 AND 2002

PART ONE. COMMITTEE ORGANIZATION

I. Historical Overview

The Committee on Government Reform serves as the House of Representative's chief investigative and oversight body, reviewing allegations of waste, fraud and abuse across the Federal Government. The committee's unique oversight jurisdiction makes it one of the most influential committees in the House of Representatives.

Congressman Dan Burton (R-IN) currently serves as the chairman of the committee. The ranking minority member is Congressman Henry Waxman (D-CA).

The Committee on Government Reform first appeared in 1927 as the Committee on Expenditures in the Executive Departments. It was created by consolidating the 11 Committees on Expenditures previously responsible for overseeing how taxpayer moneys were spent at each executive branch department.

Under the Legislative Reorganization Act of 1946, the committee was renamed the Committee on Government Operations. The name change was intended to communicate the primary function of the committee—to study “the operations of Government activities at all levels with a view to determining their economy and efficiency.” The Government Operations Committee's oversight jurisdiction

over all Federal agencies and departments was unprecedented in the legislative branch.

On January 4, 1995, Republicans assumed control of the House of Representatives for the first time in over 40 years. Republicans immediately implemented several internal reforms, including an initiative to reduce the number of standing committees in the House and cut committee staffs by one-third. The Committee on Government Reform exemplified the changes that took place in the House. Both the Committee on Post Office and Civil Service and the Committee on the District of Columbia were consolidated into the newly named Government Reform and Oversight Committee. The name change highlighted the Republican view that the Federal Government needed reform to ensure accountability. This consolidation of three committees into one resulted in millions of dollars in savings and a nearly 50 percent reduction in staff.

During the 104th Congress, under the leadership of Chairman Bill Clinger (R-PA), the committee produced three major pieces of the "Contract With America" that became law: 1) legislation to stop Congress from imposing mandates on State and local governments without funding; 2) line-item veto legislation granting the President authority to strike individual items from tax and spending bills; and 3) an act to reduce the paperwork burden the Federal Government imposes on State and local governments, individuals, and private businesses. The committee also won passage of legislation to create a financial control board to help bring the District of Columbia out of its financial crisis.

In addition to his legislative accomplishments, Chairman Clinger led the committee's investigation of the improper firings of White House Travel Office workers and the White House's controversial handling of FBI files.

In 1997, following Chairman Clinger's retirement, Congressman Burton assumed the chairmanship. He became the first Republican from the Hoosier State to chair a full committee in the House since 1931. Taking seriously the committee's mandate to uncover waste, fraud and abuse, Chairman Burton led a series of high-profile committee oversight investigations. Some of the most noteworthy investigations looked into:

- Illegal foreign contributions that flowed into 1996 Presidential campaigns;
- The Justice Department's flawed handling of the Independent Counsel Act during the tenure of Attorney General Reno;
- Controversial pardons and grants of clemency issued by President Clinton;
- The misuse of mob informants by the FBI in organized crime investigations in Boston;
- The plight of American citizens kidnapped and held against their will in Saudi Arabia; and
- Vaccine safety and the controversial use of mercury preservatives in childhood vaccines.

The Government Reform Committee had primary jurisdiction over legislation creating the Homeland Security Department, the first major reorganization of the executive branch since the 1970s. Under Chairman Burton's leadership, the committee favorably reported the Homeland Security Act in July 2002. The committee

also enacted a number of other reform measures, including the Erroneous Payments Recovery Act, the Small Business Paperwork Reduction Act, the District of Columbia Family Court Act, and the Long-Term Care Security Act.

The committee currently has 44 members: 24 Republicans, 19 Democrats and 1 Independent. It has seven subcommittees.

Committee alumni include distinguished legislators and national leaders. During his only term in the House of Representatives, Abraham Lincoln was assigned to one of the committee's predecessor committees, the Committee on Expenditures in the War Department. Other alumni of the committee include Speaker J. Dennis Hastert (R-IL), Majority Leader Dick Armey (R-TX), Secretary of Defense Donald Rumsfeld (R-IL), former Senate Majority Leader and 1996 Republican Presidential nominee Bob Dole (R-KS), former Vice-President Dan Quayle (R-IN), former Presidential candidate John B. Anderson (R-IL), and former Speakers of the House John McCormack (D-MA) and Jim Wright (D-TX).

II. Jurisdiction

House Rule X sets forth the committee's jurisdiction, functions, and responsibilities as follows:

RULE X

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) Committee on Government Reform

(1) The Federal Civil Service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National Archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

In addition to its legislative jurisdiction under the proceeding provisions of this paragraph (and its oversight functions under clause 2(a) (1) and (2)), the committee shall have the function of performing the activities and conducting the studies which are provided for in clause 4(c).

* * * * *

General oversight responsibilities

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction or a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

* * * * *

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

* * * * *

Additional functions of committees

4. * * *

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved.

III. Rules of the Committee on Government Reform

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform, on February 8, 2001, adopted the rules of the committee:

Rule 1.—Application of Rules

Except where the terms “full committee” and “subcommittee” are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2 (b) and (c).]

Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2–4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(1) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appro-

appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

There shall be eight subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

Rule 9.—Ex Officio Members

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 10.—Staff

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings

sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

Rule 13.—Open Meetings

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or

minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

Rule 16.—Stenographic Record

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule 17.—Audio and Visual Coverage of Committee Proceedings

(1) An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, Internet broadcast, and still photography, unless closed subject to the provisions of House Rule XI, clause 2(g). Any such coverage shall conform with the provisions of House Rule XI, clause 4.

(2) Use of the Committee Broadcast System shall be fair and nonpartisan, and in accordance with House Rule XI, clause 4(b), and all other applicable rules of the House of Representatives and the Committee on Government Reform. Members of the committee shall have prompt access to a copy of coverage by the Committee Broadcast System, to the extent that such coverage is maintained.

(3) Personnel providing coverage of an open meeting or hearing of the committee or a subcommittee by Internet broadcast, other than through the Committee Broadcast System, shall be currently accredited to the Radio and Television Correspondents' Galleries.

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall in-

clude an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Designate a vice chairman from the majority party.

Rule 19.—Commemorative Stamps

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

IV. Subcommittees¹

In order to perform its functions and to carry out its duties as fully and as effectively as possible, the committee, under the leadership of Chairman Dan Burton at the beginning of the 107th Congress, established eight standing subcommittees, which cover the entire field of executive expenditures and operations. The names, chairpersons, and members of these subcommittees are as follows:

Subcommittee on the Census², Dan Miller, *Chairman*; members: Chris Cannon, Mark E. Souder, Bob Barr, Wm. Lacy Clay, Carolyn B. Maloney, and Danny K. Davis.

Subcommittee on Civil Service, Census and Agency Organization³, Dave Weldon, *Chairman*; members: Dan Miller, Constance A. Morella, John L. Mica, Mark E. Souder, C.L. "Butch" Otter, Danny K. Davis, Major R. Owens, Eleanor Holmes Norton, and Elijah E. Cummings.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, Mark E. Souder, *Chairman*; members: Benjamin A. Gilman, Ileana Ros-Lehtinen, John L. Mica, Bob Barr, Dan Miller, Doug Ose, Jo Ann Davis, Dave Weldon, Elijah E. Cummings, Rod R. Blagojevich, Bernard Sanders, Danny K. Davis, Jim Turner, Thomas H. Allen, and Janice D. Schakowsky.

Subcommittee on the District of Columbia, Constance A. Morella, *Chairwoman*; members: Todd Russell Platts, Thomas M. Davis, Christopher Shays, Eleanor Holmes Norton, Diane E. Watson, and Stephen F. Lynch.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, Doug Ose, *Chairman*; members: C.L. "Butch" Otter, Christopher Shays, John M. McHugh, Steven C. LaTourette, Chris Cannon, John J. Duncan, Jr., John Sullivan, John F. Tierney, Tom Lantos, Edolphus Towns, Dennis J. Kucinich, and Rod R. Blagojevich.

Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, Stephen Horn, *Chairman*; members: Ron Lewis, Doug Ose, Adam H. Putnam, John Sullivan, Janice D. Schakowsky, Major R. Owens, Paul E. Kanjorski, and Carolyn B. Maloney.

¹The chairman and the ranking minority member of the committee are ex-officio members of all subcommittees on which they do not hold a regular assignment (committee rule 9).

²The Subcommittee on the Census was combined with the Subcommittee on Civil Service and Agency Organization, to create a newly named Subcommittee on Civil Service, Census and Agency Organization.

³The Subcommittee on Civil Service and Agency Organization was combined with the Subcommittee on the Census, to create a newly named Subcommittee on Civil Service, Census and Agency Organization.

Subcommittee on National Security, Veterans Affairs and International Relations, Christopher Shays, *Chairman*; members: Adam H. Putnam, Benjamin A. Gilman, Ileana Ros-Lehtinen, John M. McHugh, Stephen C. LaTourette, Ron Lewis, Todd Russell Platts, Dave Weldon, C.L. “Butch” Otter, Edward L. Schrock, Dennis J. Kucinich, Bernard Sanders, Thomas H. Allen, Tom Lantos, John F. Tierney, Janice D. Schakowsky, Wm. Lacy Clay, Diane E. Watson, and Stephen F. Lynch.

Subcommittee on Technology and Procurement Policy, Thomas M. Davis, *Chairman*; members: Jo Ann Davis, Stephen Horn, Doug Ose, Edward L. Schrock, Jim Turner, and Paul E. Kanjorski.

PART TWO. COMMITTEE ACTIVITIES

I. Legislation

A. LEGISLATION ENACTED INTO LAW

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *H.R. 132, to designate the facility of the U.S. Postal Service located at 620 Jacaranda Street in Lanai City, HI, as the "Goro Hokama Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 132 designates the U.S. Post Office located at 620 Jacaranda Street in Lanai City, HI, as the "Goro Hokama Post Office Building."

c. Legislative status.—Introduced by Representative Patsy Mink (HI) on January 3, 2001, and referred to House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on February 7, 2001. Passed by the Senate without amendment by unanimous consent on March 21, 2001. Signed by the President on April 12, 2001, and became Public Law No. 107-6.

d. Hearings.—None.

2. *H.R. 364, to designate the facility of the U.S. Postal Service located at 5927 Southwest 70th Street in Miami, FL, as the "Marjory Williams Scrivens Post Office"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 364 designates the U.S. Post Office located at 5927 Southwest 70th Street in Miami, FL, as the "Marjory Williams Scrivens Post Office."

c. Legislative status.—Introduced by Representative Carrie P. Meek (FL) on January 31, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on March 14, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107-29.

d. Hearings.—None.

3. *H.R. 395, to designate the facility of the U.S. Postal Service located at 2305 Minton Road in West Melbourne, FL, as the "Ronald W. Reagan Post Office of West Melbourne, Florida"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 395 designates the U.S. Post Office located at 2305 Minton Road in West Melbourne, FL, as the “Ronald W. Reagan Post Office of West Melbourne, Florida.”

c. Legislative status.—Introduced by Representative Dave Weldon (FL) on February 6, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on February 6, 2001. Passed by the Senate without amendment by unanimous consent on March 21, 2001. Signed by the President on April 12, 2001, and became Public Law No. 107–7.

d. Hearings.—None.

4. *H.R. 821, to designate the facility of the U.S. Postal Service located at 1030 South Church Street in Asheboro, NC, as the “W. Joe Trogdon Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 821 designates the U.S. Post Office located at 1030 South Church Street in Asheboro, NC, as the “W. Joe Trogdon Post Office Building.”

c. Legislative status.—Introduced by Representative Howard Coble (NC) on March 1, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on March 14, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–32.

d. Hearings.—None.

5. *H.R. 1183, to designate the facility of the U.S. Postal Service located at 113 South Main Street in Sylvania, GA, as the “G. Elliot Hagan Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1183 designates the U.S. Post Office located at 113 South Main Street in Sylvania, GA, as the “G. Elliot Hagan Post Office Building.”

c. Legislative status.—Introduced by Representative Jack Kingston (GA) on March 22, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on June 5, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–34.

d. Hearings.—None.

6. *H.R. 1753, to designate the facility of the U.S. Postal Service located at 419 Rutherford Avenue, NE., in Roanoke, VA, as the “M. Caldwell Butler Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1753 designates the U.S. Post Office located at 419 Rutherford Avenue, NE., in Roanoke, VA, as the “M. Caldwell Butler Post Office Building.”

c. Legislative status.—Introduced by Representative Bob Goodlatte (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives

under suspension of the rules on June 20, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–35.

d. Hearings.—None.

7. *H.R. 1761, to designate the facility of the U.S. Postal Service located at 8588 Richmond Highway in Alexandria, VA, as the “Herb Harris Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1761 designates the U.S. Post Office located at 8588 Richmond Highway in Alexandria, VA, as the “Herb Harris Post Office Building.”

c. Legislative status.—Introduced by Representative James P. Moran (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on September 10, 2001. Passed by the Senate without amendment by unanimous consent on December 6, 2001. Signed by the President on December 21, 2001, and became Public Law No. 107–92.

d. Hearings.—None.

8. *H.R. 1766, to designate the facility of the U.S. Postal Service located at 4270 John Marr Drive in Annandale, VA, as the “Stan Parris Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1766 designates the U.S. Post Office located at 4270 John Marr Drive in Annandale, VA, as the “Stan Parris Post Office Building.”

c. Legislative status.—Introduced by Representative Frank R. Wolf (VA) on May 8, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on September 10, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–85.

d. Hearings.—None.

9. *H.R. 2043, to designate the facility of the U.S. Postal Service located at 2719 South Webster Street in Kokomo, IN, as the “Elwood Haynes ‘Bud’ Hillis Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2043 designates the U.S. Post Office located at 2719 South Webster Street in Kokomo, IN, as the “Elwood Haynes ‘Bud’ Hillis Post Office Building.”

c. Legislative status.—Introduced by Representative Steve R. Buyer (IN) on May 26, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representative under suspension of the rules on June 5, 2001. Passed by the Senate without amendment by unanimous consent on August 3, 2001. Signed by the President on August 20, 2001, and became Public Law No. 107–36.

d. Hearings.—None.

10. *H.R. 2261, to designate the facility of the U.S. Postal Service located at 2853 Candler Road in Decatur, GA, as the “Earl T. Shinhoster Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2261 designates the U.S. Post Office located at 2853 Candler Road in Decatur, GA, as the “Earl T. Shinhoster Post Office.”

c. Legislative status.—Introduced by Representative Cynthia A. McKinney (GA) on June 20, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on October 16, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–86.

d. Hearings.—None.

11. *H.R. 2454, to designate the facility of the U.S. Postal Service located at 5472 Crenshaw Boulevard in Los Angeles, CA, as the “Congressman Julian C. Dixon Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2454 designates the U.S. Post Office located at 5472 Crenshaw Boulevard in Los Angeles, CA, as the “Congressman Julian C. Dixon Post Office.”

c. Legislative status.—Introduced by Representative Diane E. Watson (CA) on July 10, 2001, and referred to the House Committee on Government Reform. Approved by the House under suspension of the rules on October 16, 2001. Passed by the Senate without amendment by unanimous consent on November 30, 2001. Signed by the President on December 18, 2001, and became Public Law No. 107–88.

d. Hearings.—None.

12. *H.R. 3248, to designate the facility of the U.S. Postal Service located at 65 North Main Street in Cranbury, NJ, as the “Todd Beamer Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3248 designates U.S. Post Office located at 65 North Main Street in Cranbury, NJ, as the “Todd Beamer Post Office Building.”

c. Legislative status.—Introduced by Representative Rush D. Holt (NJ) on November 7, 2001, and referred to the House Committee on Government Reform. Approved by the House of Representatives under suspension of the rules on December 5, 2001. Passed by the Senate without amendment by unanimous consent on December 20, 2001. Signed by the President on January 16, 2002, and became Public Law No. 107–129.

d. Hearings.—None.

13. *H.R. 3379, to designate the facility of the U.S. Postal Service located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3379 designates the U.S. Post Office located at 375 Carlls Path in Deer Park, NY, as the “Raymond M. Downey Post Office Building.”

c. Legislative status.—H.R. 3379, introduced by Representative Steve Israel (NY) on November 29, 2001, was referred to the House Committee on Government Reform. The bill passed the House under suspension of the rules on December 18, 2001. It passed the Senate by unanimous consent, without amendment, on March 22, and was signed into law on April 18, 2002, becoming Public Law 107–167.

d. Hearings.—None.

14. *S. 737, introduced by Senator Harry Reid (NV), designates the postal facility located at 811 South Main Street in Yerington, NV, as the “Joseph E. Dini, Jr. Post Office”*

a. Report number and date.—None.

b. Summary of measure.—S. 737 designates the postal facility located at 811 South Main Street in Yerington, NV, as the “Joseph E. Dini, Jr. Post Office.”

c. Legislative status.—The bill, introduced on April 6, 2001, was reported by the Senate Committee on Governmental Affairs on August 2, 2001, and passed the Senate by Unanimous Consent on August 3, 2001. It passed the House under suspension of the rules on February 5, 2002, and was signed into law on February 14, 2002, becoming Public Law 107–144.

d. Hearings.—None.

15. *S. 970, introduced by Senator Susan Collins (ME), designates the facility of the U.S. Postal Service located at 39 Tremont Street, Paris Hill, ME, as the Horatio King Post Office Building*

a. Report number and date.—None.

b. Summary of measure.—S. 970 designates the facility of the U.S. Postal Service located at 39 Tremont Street, Paris Hill, ME, as the Horatio King Post Office Building.

c. Legislative status.—The bill, introduced on May 25, 2001, was reported by the Committee on Governmental Affairs on August 2, 2001, and passed the Senate by unanimous consent on August 3, 2001. It passed the House under suspension of the rules on February 5, 2002, by a vote of 394 to 0. It was signed into law on February 14, 2002, becoming Public Law 107–145.

d. Hearings.—None.

16. *S. 1026, introduced by Senator Robert Torricelli (NJ), designates the postal facility located at 60 Third Avenue in Long Branch, NJ, as the “Pat King Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—S. 1026 designates the postal facility located at 60 Third Avenue in Long Branch, NJ, as the “Pat King Post Office Building.”

c. Legislative status.—The bill, introduced on June 13, 2001, was reported by the Senate Committee on Governmental Affairs on August 2, 2001, and passed the Senate by unanimous consent on August 3, 2001. It passed the House under suspension of the rules on

February 6, 2002, and was signed into law on February 14, 2002, becoming Public Law 107–146.

d. Hearings.—None.

17. *S. 1714, to provide for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, KY Post Office Building*

a. Report number and date.—None.

b. Summary of measure.—S. 1714 provides for the installation of a plaque to honor Dr. James Harvey Early in the Williamsburg, KY Post Office Building.

c. Legislative status.—Introduced by Senator Mitch McConnell (KY) on November 15, 2001, and referred to the Senate Committee on Governmental Affairs. Passed by the Senate without amendment by unanimous consent on December 6, 2001. Approved by the House of Representatives under suspension of the rules on December 20, 2001. Signed by the President on January 15, 2002, and became Public Law No. 107–120.

d. Hearings.—None.

18. *H.R. 669, to designate the facility of the U.S. Postal Service located at 127 Social Street in Woonsocket, RI, as the “Alphonse F. Auclair Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 669 would designate the facility of the U.S. Postal Service at 127 Social Street in Woonsocket, RI, as the “Alphonse F. Auclair Post Office Building.”

c. Legislative status.—H.R. 669, introduced by Representative Patrick J. Kennedy (RI) on February 14, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on October 10, 2002. It passed the Senate by unanimous consent, without amendment, on October 17, 2002, and was signed into law on October 30, 2002, becoming Public Law 107–261.

d. Hearings.—None.

19. *H.R. 670, to designate the facility of the U.S. Postal Service located at 7 Commercial Street in Newport, RI, as the “Bruce F. Cotta Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 670 would designate the postal facility located at 7 Commercial Street in Newport, RI, as the “Bruce F. Cotta Post Office Building.”

c. Legislative status.—H.R. 670, introduced by Representative Patrick J. Kennedy (RI) on February 14, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on October 10, 2002. It passed the Senate by unanimous consent, without amendment, on October 17, 2002, and was signed into law on October 30, 2002, becoming Public Law 107–262.

d. Hearings.—None.

20. *H.R. 1366, a bill to designate the facility of the U.S. Postal Service located at 3101 West Sunflower Avenue in Santa Ana, CA, as the “Hector G. Godinez Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1366 would designate the postal facility located at 3101 West Sunflower Avenue in Santa Ana, CA, as the “Hector G. Godinez Post Office Building.”

c. Legislative status.—H.R. 1366, introduced by Representative Loretta Sanchez (CA) on April 3, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on April 10, 2001. It passed the Senate by unanimous consent, without amendment, on June 3, 2002, and was signed into law on June 18, 2002, becoming Public Law 107–190.

d. Hearings.—None.

21. *H.R. 1374, a bill to designate the facility of the U.S. Postal Service located at 600 Calumet Street in Lake Linden, MI, as the “Philip E. Ruppe Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1374 would designate the postal facility located at 600 Calumet Street in Lake Linden, MI, as the “Philip E. Ruppe Post Office Building.”

c. Legislative status.—H.R. 1374, introduced by Representative Patrick J. Kennedy (RI) on February 14, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on April 16, 2002. It passed the Senate by unanimous consent, without amendment, on June 3, 2002, and was signed into law on June 18, 2002, becoming Public Law 107–191.

d. Hearings.—None.

22. *H.R. 1432, to designate the facility of the U.S. Postal Service located at 3698 Inner Perimeter Road in Valdosta, GA, as the “Major Lyn McIntosh Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1432 would designate the postal facility located at 3698 Inner Perimeter Road in Valdosta, GA, as the “Major Lyn McIntosh Post Office Building.”

c. Legislative status.—H.R. 1432 introduced by Representative Sanford Bishop (GA) on April 4, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on December 20, 2001. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107–160.

d. Hearings.—None.

23. *H.R. 1748, a bill to designate the facility of the U.S. Postal Service located at 805 Glen Burnie Road in Richmond, VA, as the “Tom Bliley Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1748 would designate the facility of the U.S. Postal Service located at 805 Glen Burnie Road in Richmond, VA, as the “Tom Bliley Post Office Building.”

c. Legislative status.—H.R. 1748, introduced by Representative Eric Cantor (VA) on May 8, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on February 12, 2002. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107-161.

d. Hearings.—None.

24. *H.R. 1749, a bill to designate the facility of the U.S. Postal Service located at 685 Turnberry Road in Newport News, VA, as the “Herbert H. Bateman Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 1749 designates the facility of the U.S. Postal Service located at 685 Turnberry Road in Newport News, VA, as the “Herbert H. Bateman Post Office Building.”

c. Legislative status.—H.R. 1749, introduced by Representative Jo Ann Davis (VA) on May 8, 2001, was referred to the House Committee on Government Reform. The bill passed the House under suspension of the rules on October 9, 2001. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107-162.

d. Hearings.—None.

25. *H.R. 2577, to designate the facility of the U.S. Postal Service located at 310 South State Street in St. Ignace, MI, as the “Bob Davis Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2577 designates the U.S. Post Office located at 310 South State Street in St. Ignace, MI, as the “Bob Davis Post Office Building.”

c. Legislative status.—H.R. 2577, introduced by Representative Bart Stupak (MI) on July 19, 2001, was referred to the Committee on Government Reform on July 19, 2001. The bill passed the House under suspension of the rules on February 12, 2002. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107-163.

d. Hearings.—None.

26. *H.R. 2876, to designate the facility of the U.S. Postal Service located at 216 2nd Street, S.W. in Harlem, MT as the “Francis Bardanouve U.S. Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2577 designates the U.S. Post Office located at 216 2nd Street, S.W. in Harlem, MT as the “Francis Bardanouve U.S. Post Office Building.”

c. Legislative status.—H.R. 2577, introduced by Representative Dennis Rehberg (MT) on September 10, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on October 16, 2001. It passed the Senate by unanimous consent, without amendment, on March 22,

2002, and was signed into law on April 18, 2002, becoming Public Law 107-164.

d. Hearings.—None.

27. *H.R. 2910, a bill to designate the facility of the U.S. Postal Service located at 3131 South Crater Road in Petersburg, VA, as the “Norman Sisisky Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2910 designates the postal facility located at 3131 South Crater Road in Petersburg, VA, as the “Norman Sisisky Post Office Building.”

c. Legislative status.—H.R. 2910, introduced by Representative Randy Forbes (VA) on September 20, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on October 30, 2001. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107-165.

d. Hearings.—None.

28. *H.R. 3034, a bill to designate the facility of the U.S. Postal Service located at 89 River Street in Hoboken, NJ, as the “Frank Sinatra Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3034 would designate the postal facility located at 89 River Street in Hoboken, NJ, as the “Frank Sinatra Post Office Building.”

c. Legislative status.—H.R. 3034, introduced by Representative Robert Menendez (NJ) on October 4, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on June 27, 2002. It passed the Senate by unanimous consent, without amendment, on October 17, 2002, and was signed into law on October 30, 2002, becoming Public Law 107-263.

d. Hearings.—None.

29. *H.R. 3072, to designate the facility of the U.S. Postal Service located at 125 Main Street in Forest City, NC, as the “Vernon Tarlton Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3072 designates the postal facility located at 125 Main Street in Forest City, NC as the “Vernon Tarlton Post Office Building.”

c. Legislative status.—H.R. 3072, introduced by Representative Charles Taylor (NC) on October 9, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on December 18, 2001. It passed the Senate by unanimous consent, without amendment, on March 22, 2002, and was signed into law on April 18, 2002, becoming Public Law 107-166.

d. Hearings.—None.

30. *H.R. 3287, a bill to designate the facility of the U.S. Postal Service located at 900 Brentwood Road, NE., in Washington, DC, as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3287 would designate the facility of the U.S. Postal Service located at 900 Brentwood Road, NE., in Washington, DC, as the “Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.”

c. Legislative status.—H.R. 3287, introduced by Representative Albert Russell Wynn (MD) on November 13, 2001, was referred to the Committee on Government Reform. The bill passed the House under suspension of the rules on September 4, 2002. It passed the Senate by unanimous consent, without amendment, on September 5, 2002, and was signed into law on September 24, 2002, becoming Public Law 107–225.

d. Hearings.—None.

31. *H.R. 3738, to designate the facility of the U.S. Postal Service located at 1299 North 7th Street in Philadelphia, PA as the “Herbert Arlene Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3738 designates the postal facility located at 1299 North 7th Street in Philadelphia, PA as the “Herbert Arlene Post Office Building.”

c. Legislative status.—Introduced by Representative Robert Brady (PA) on February 13, 2002. The bill passed the House under suspension of the rules on June 11, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–264.

d. Hearings.—None.

32. *H.R. 3739, to designate the facility of the U.S. Postal Service located at 6150 North Broad Street in Philadelphia, PA as the “Rev. Leon Sullivan Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3739 designates the postal facility located at 6150 North Broad Street in Philadelphia, PA as the “Rev. Leon Sullivan Post Office Building.”

c. Legislative status.—Introduced by Representative Robert Brady (PA) on February 13, 2002. The bill passed the House under suspension of the rules on June 11, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–265.

d. Hearings.—None.

33. *H.R. 3740, to designate the facility of the U.S. Postal Service located at 925 Dickinson Street in Philadelphia, PA as the “William A. Cibotti Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3740 designates the postal facility located at 925 Dickinson Street in Philadelphia, PA as the “William A. Cibotti Post Office Building.”

c. Legislative status.—Introduced by Representative Robert Brady (PA) on February 13, 2002. The bill passed the House under suspension of the rules on June 11, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–266.

d. Hearings.—None.

34. *H.R. 3789, to designate the facility of the U.S. Postal Service located at 2829 Commercial Way in Rock Springs, WY as the “Teno Roncalio Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3789 designates the postal facility located at 2829 Commercial Way in Rock Springs, WY as the “Teno Roncalio Post Office Building.”

c. Legislative status.—Introduced by Representative Barbara Cubin (WY) on February 26, 2002. The bill passed the House under suspension of the rules on March 5, 2002, and passed the Senate under unanimous consent on June 3, 2002. The bill was signed by the President on June 18, 2002, and became Public Law 107–192.

d. Hearings.—None.

35. *H.R. 3960, to designate the facility of the U.S. Postal Service located at 3719 Highway 4 in Jay, FL as the “Joseph W. Westmoreland Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3960 designates the postal facility located at 3719 Highway 4 in Jay, FL as the “Joseph W. Westmoreland Post Office Building.”

c. Legislative status.—Introduced by Representative Jeff Miller (FL) on March 13, 2002. The bill passed the House under suspension of the rules on April 16, 2002, and passed the Senate under unanimous consent on June 3, 2002. The bill was signed by the President on June 18, 2002, and became Public Law 107–193.

d. Hearings.—None.

36. *H.R. 4102, to designate the facility of the U.S. Postal Service located at 120 North Maine Street in Fallon, NV as the “Rollan D. Melton Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4102 designates the postal facility located at 120 North Maine Street in Fallon, NV as the “Rollan D. Melton Post Office Building.”

c. Legislative status.—Introduced by Representative Jim Gibbons (NV) on April 9, 2002. The bill passed the House under suspension of the rules on September 17, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–267.

d. Hearings.—None.

37. *H.R. 4486, to designate the facility of the U.S. Postal Service located at 1590 East Joyce Boulevard in Fayetteville, AR as the "Clarence B. Craft Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4486 designates the postal facility located at 1590 East Joyce Boulevard in Fayetteville, AR as the "Clarence B. Craft Post Office Building."

c. Legislative status.—Introduced by Representative John Boozman (AR) on April 18, 2002. The bill passed the House under suspension of the rules on May 7, 2002, and passed the Senate under unanimous consent on June 3, 2002. The bill was signed by the President on June 18, 2002, and became Public Law 107-194.

d. Hearings.—None.

38. *H.R. 4717, to designate the facility of the U.S. Postal Service located at 1199 Pasadena Boulevard in Pasadena, TX as the "Jim Fonteno Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4717 designates the postal facility located at 1199 Pasadena Boulevard in Pasadena, TX as the "Jim Fonteno Post Office Building."

c. Legislative status.—Introduced by Representative Ken Bentsen (TX) on May 14, 2002. The bill passed the House under suspension of the rules on June 18, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107-268.

d. Hearings.—None.

39. *H.R. 4755, to designate the facility of the U.S. Postal Service located at 204 South Broad Street in Lancaster, OH as the "Clarence Miller Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4755 designates the postal facility located at 204 South Broad Street in Lancaster, OH as the "Clarence Miller Post Office Building."

c. Legislative status.—Introduced by Representative David Hobson (OH) on May 16, 2002. The bill passed the House under suspension of the rules on July 15, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107-269.

d. Hearings.—None.

40. *H.R. 4794, to designate the facility of the U.S. Postal Service located at 1895 Avenida Del Oro in Oceanside, CA as the "Ronald C. Packard Post Office Building"*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4794 designates the postal facility located at 1895 Avenida Del Oro in Oceanside, CA as the "Ronald C. Packard Post Office Building."

c. Legislative status.—Introduced by Representative Darrell Issa (CA) on May 22, 2002. The bill passed the House under suspension of the rules on June 18, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107-270.

d. Hearings.—None.

41. *H.R. 4797, to designate the facility of the U.S. Postal Service located at 265 South Western Avenue in Los Angeles, CA as the “Nat King Cole Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4797 designates the postal facility located at 265 South Western Avenue in Los Angeles, CA as the “Nat King Cole Post Office.”

c. Legislative status.—Introduced by Representative Xavier Becerra (CA) on May 22, 2002. The bill passed the House under suspension of the rules on September 9, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–271.

d. Hearings.—None.

42. *H.R. 4851, to designate the facility of the U.S. Postal Service located at 6910 South Yorktown Avenue in Tulsa, OK as the “Robert Wayne Jenkins Station”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4851 designates the postal facility located at 6910 South Yorktown Avenue in Tulsa, OK as the “Robert Wayne Jenkins Station.”

c. Legislative status.—Introduced by Representative John Sullivan (OK) on May 23, 2002. The bill passed the House under suspension of the rules on October 1, 2002, and passed the Senate under unanimous consent on October 17, 2002. The bill was signed by the President on October 30, 2002, and became Public Law 107–272.

d. Hearings.—None.

43. *H.R. 5005, Homeland Security Act of 2002*

a. Report number and date.—House Report No. 107–609, Part 1.

b. Summary of measure.—H.R. 5005, proposed by the President and introduced by Majority Leader Dick Armey on June 24, 2002, would create a new Department of Homeland Security by realigning the current patchwork of government activities into a single department whose primary mission is to protect the American homeland.

H.R. 5005 would create a cabinet-level Department of Homeland Security and transfer into the Department the functions and activities of 22 different entities that currently have responsibility for various aspects of homeland security. The Department would have a budget of approximately \$37 billion and 170,000 employees. Under the bill, the Department’s primary responsibilities include: (1) information analysis and infrastructure protection; (2) chemical, biological, radiological, nuclear, and related countermeasures; (3) border and transportation security; and (4) emergency preparedness and response.

c. Legislative status.—H.R. 5005 was referred to the Government Reform Committee, which has jurisdiction over reorganizations of the executive branch. Sections of the bill were also referred to numerous other committees exercising jurisdiction over particular

agencies. All standing committees had until July 12, 2002, to report their recommendations to the Select Ad Hoc Committee on Homeland Security, chaired by Majority Leader Armey.

On July 11, 2002, the committee held a business meeting to markup H.R. 5005, the “Homeland Security Act of 2002.” Following a marathon session lasting more than 15 hours, the committee reported the bill to the Select Ad Hoc Committee on Homeland Security with more than 30 amendments. The bill was considered by the Select Committee on Homeland Security and reported to the full House on July 24, 2002. It passed the House with amendments on July 26, 2002 by a vote of 295 to 132. The bill passed the Senate on November 19, 2002, by a vote of 90 to 9. The House took up the Senate amendments and agreed to them by unanimous consent on November 22, 2002. The Homeland Security Act of 2002 was signed into law on November 25, 2002, becoming Public Law 107–296.

d. Hearings.—On June 20, 2002, the committee held a hearing to examine the President’s proposal to create a Department of Homeland Security within the executive branch of the Federal Government. The committee received testimony from Governor Tom Ridge, the President’s Homeland Security Advisor, and one of the principal architects of the President’s plan.

44. *H.R. 5207, introduced by Congressman Jim Ramstad (MN), designates the postal facility located at 6101 West Old Shakopee Road in Bloomington, MN, as the “Thomas E. Burnett, Jr. Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5207 designates the postal facility located at 6101 West Old Shakopee Road in Bloomington, MN, as the “Thomas E. Burnett, Jr. Post Office Building.”

c. Legislative status.—The bill was introduced on July 24, 2002, and passed the House under suspension of the rules on September 4, 2002. The bill passed the Senate by unanimous consent without amendment on September 5, 2002, and was passed into law on September 24, 2002, becoming Public Law 107–227.

d. Hearings.—None.

45. *H.R. 5308, introduced by Congressman Bob Schaffer (CO), designates the postal facility located at 301 South Howes Street in Fort Collins, CO, as the “Barney Apodaca Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5308 designates the postal facility located at 301 South Howes Street in Fort Collins, CO, as the “Barney Apodaca Post Office.”

c. Legislative status.—The bill introduced on July 26, 2002, passed the House under suspension of the rules on September 4, 2002. The bill was reported by the Senate Committee on Governmental Affairs without amendment on October 15, 2002, and passed the Senate by unanimous consent on October 17, 2002. The bill was signed into law on November 6, 2002, becoming Public Law 107–283.

d. Hearings.—None.

46. *H.R. 5333, introduced by Congressman James McGovern (MA), designates the postal facility located at 4 East Central Street in Worcester, MA, as the “Joseph D. Early Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5333 designates the postal facility located at 4 East Central Street in Worcester, MA, as the “Joseph D. Early Post Office Building.”

c. Legislative status.—The bill was introduced on September 4, 2002, and passed the House under suspension of the rules on September 17, 2002, by a vote of 397 to 0. The bill was reported by the Senate Committee on Governmental Affairs on October 9, 2002, and passed the Senate by unanimous consent without amendment on October 17, 2002. It was signed into law on November 6, 2002, becoming Public Law 107–284.

d. Hearings.—None.

47. *H.R. 5336, introduced by Congressman Peter King (NY), designates the postal facility located at 380 Main Street in Farmingdale, NY, as the “Peter J. Ganci, Jr. Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5336 designates the postal facility located at 380 Main Street in Farmingdale, NY, as the “Peter J. Ganci, Jr. Post Office Building.”

c. Legislative status.—The bill, introduced on September 5, 2002, passed the House under suspension of the rules on September 9, 2002, by voice vote. The bill was reported by the Senate Committee on Governmental Affairs on October 15, 2002, and passed the Senate without amendment by unanimous consent on October 17, 2002. The bill was signed into law on November 6, 2002, becoming Public Law 107–285.

d. Hearings.—None.

48. *H.R. 5340, introduced by Congressman Brad Sherman (CA), designates the postal facility located at 5805 White Oak Avenue in Encino, CA, as the “Francis Dayle ‘Chick’ Hearn Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5340 designates the postal facility located at 5805 White Oak Avenue in Encino, CA, as the “Francis Dayle ‘Chick’ Hearn Post Office.”

c. Legislative status.—The bill, introduced on September 5, 2002, passed the House under suspension of the rules on October 7, 2002. It passed the Senate by unanimous consent on October 17, 2002, and was signed into law on November 6, 2002, becoming Public Law 107–286.

d. Hearings.—None.

49. *H.R. 5574, introduced by Congressman Jack Kingston (GA), designates the postal facility located at 206 South Main Street in Glennville, GA, as the “Michael Lee Woodcock Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5574 designates the postal facility located at 206 South Main Street in Glennville, GA, as the “Michael Lee Woodcock Post Office.”

c. Legislative status.—The bill, introduced on October 8, 2002, passed the House by unanimous consent on October 10, 2002. It passed the Senate without amendment by unanimous consent on October 17, 2002. It was signed into law on November 7, 2002, becoming Public Law 107–291.

d. Hearings.—None.

50. *S. 2530, a bill to amend the Inspector General Act of 1978 to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers, introduced by Senator Fred Thompson (TN)*

a. Report number and date.—House Report No. 107–176, filed on June 25, 2002.

b. Summary of measure.—This bill grants law enforcement authority (i.e., carry firearms, make arrests, and execute warrants) to Inspectors General, Assistant Inspectors General for Investigations, and any special agent supervised by such an Assistant Inspector General, if the Attorney General authorizes such authority. The Attorney General is authorized to grant such law enforcement authority only upon an initial determination that: (1) the affected Office of Inspector General is significantly hampered in the performance of such responsibilities as a result of the lack of such powers; (2) available assistance from other law enforcement agencies is insufficient to meet the need for exercising such powers; and (3) adequate internal safeguards and management procedures exist to ensure proper exercise of those powers. Specified Offices of Inspector General are exempted from such an initial determination of eligibility. The Attorney General could also suspend law enforcement authority for an entire Office of Inspector General or for individual IG agents.

c. Legislative status.—S. 2530 was introduced by Senator Thompson on May 16, 2002 and was reported by the Senate Committee on Governmental Affairs on June 25, 2002. The bill was passed by the Senate, with an amendment, by unanimous consent on October 17, 2002. The bill was referred to the House Committees on Government Reform and Judiciary. The bill was inserted in H.R. 5710, the Homeland Security Act of 2002, which passed the House and the Senate and was signed into law on November 25, 2002.

d. Hearings.—The Committee on Government Reform did not hold hearings on this legislation during the 107th Congress.

SUBCOMMITTEE ON CIVIL SERVICE, CENSUS AND AGENCY
ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *H.J. Res. 7, Recognizing the 90th Birthday of Ronald Reagan*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the 90th birthday of Ronald Reagan.

c. Legislative status.—Introduced by Representative Christopher Cox on January 31, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on February 6,

2001 under suspension of the rules. Passed Senate on February 6, 2001, without amendments, and with a preamble by unanimous consent. Signed by President on February 15, 2001. Public Law 107-1.

d. Hearings.—None.

2. *H.R. 93, Federal Firefighters Retirement Age Fairness Act*

a. Report number and date.—None.

b. Summary of measure.—Amends 5, U.S.C. sections 8335 and 8425 to provide that the mandatory separation age for Federal firefighters be made the same as the age with respect to Federal law enforcement officers.

c. Legislative status.—Introduced by Representative Elton Gallegly on January 3, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on January 30, 2001 under suspension of the rules. Passed Senate on August 2, 2001, without amendments. Signed by President on August 20, 2001. Public Law No. 107-27.

d. Hearings.—None.

3. *H.R. 2133, To establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education*

a. Report number and date.—None.

b. Summary of measure.—Establishes the *Brown v. Board of Education* 50th Anniversary Commission to commemorate the 50th Anniversary of the Supreme Court decision in *Oliver L. Brown et al. v. Board of Education of Topeka, Kansas et al.*

c. Legislative status.—Introduced by Representative Jim Ryun on June 12, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on June 27, 2001 under suspension of the rules. Passed Senate with amendments by unanimous consent on August 3, 2001. House concurred in Senate amendments under suspension of the rules on September 10, 2001. Signed by President on September 18, 2001. Public Law No. 107-27.

d. Hearings.—None.

4. *H.R. 2456, to provide that Federal employees may retain for personal use promotional items received as a result of travel taken in the course of employment*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2456 would allow Federal employees to retain frequent flyer miles and other promotional items received as a result of traveling on official government business, if such items are obtained under the same terms as those offered to the public and at no additional cost to the government.

c. Legislative status.—H.R. 2456 was reported by the Committee on Government Reform on July 25, 2001, and passed the House of Representatives under suspension of the rules by a voice vote on July 31, 2001. The bill was ordered reported by the Senate Committee on Governmental Affairs with an amendment in the nature of a substitute on November 14, 2001. The bill, as amended in the

Senate, was inserted into S. 1438, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House and the Senate and was signed into law on December 28, 2001, becoming Public Law 107–107.

d. Hearings.—None.

5. *H.R. 2559, To amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance*

a. Report number and date.—The Committee on Government Reform did not issue a report. The Judiciary Committee issued House Report No. 107–235.

b. Summary of measure.—Amends chapter 90 of title 5, United States Code to permit deferred annuitants to participate in the Federal long-term care insurance program and exempt Federal long-term care insurance premiums from State and local taxes.

c. Legislative status.—Introduced by Representative Joe Scarborough on July 18, 2001 and referred to House Committee on Government Reform. Passed House of Representatives on October 30, 2001 under suspension of the rules. Passed Senate without amendment on December 17, 2001. Signed by President on December 27, 2001. Public Law No. 107–104.

d. Hearings.—None.

6. *S. 1202, To amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006*

a. Report number and date.—None.

b. Summary of measure.—Amends the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006.

c. Legislative status.—Introduced by Senator Joseph I. Lieberman on July 19, 2001 and referred to Committee on Governmental Affairs. Passed Senate on November 15, 2001, without amendments, by unanimous consent. Referred to House Committees on Government Reform and Judiciary on November 16, 2001. Passed House under suspension of the rules on December 19, 2001. Signed by President on January 15, 2002. Public Law No. 107–119.

d. Hearings.—None.

7. *H.J. Res. 82, Recognizing the 91st Birthday of Ronald Reagan*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the 91st birthday of Ronald Reagan.

c. Legislative status.—Introduced by Representative Christopher Cox on February 5, 2002 and referred to House Committee on Government Reform. Passed the House on February 6, 2002 under suspension of the rules. Passed Senate on February 6, 2002, without amendments, by unanimous consent. Signed by the President on February 14, 2002. Public Law No. 107–143

d. Hearings.—No hearings were held on this in the 107th Congress.

8. *H.R. 169, Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001*

a. Report number and date.—House Report No. 107–101 June 14, 2001.

b. Summary of measure.—Requires that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. Requires agencies and the EEOC to disclose certain information on their Web sites.

c. Legislative status.—Introduced by Representative James F. Sensenbrenner, Jr., on January 3, 2001 and referred to House Committee on Government Reform. Passed House on October 2, 2001 under suspension of the rules, as amended. Passed Senate on April 23, 2002 with amendments by unanimous consent. On April 30, 2002, the House concurred in the Senate amendments under suspension of the rules. Signed by the President on May 15, 2002. Public Law No. 107–174.

d. Hearings.—No hearings were held on this in the 107th Congress.

9. *H.R. 2362, Benjamin Franklin Tercentenary Commission Act*

a. Report number and date.—None.

b. Summary of measure.—Establishes the Benjamin Franklin Tercentenary Commission.

c. Legislative status.—Introduced by Representative Robert A. Borski on June 28, 2001 and referred to House Committee on Government Reform. Passed House on October 30, 2001 under suspension of the rules, as amended. Passed Senate on July 9, 2002 without amendment under unanimous consent. Signed by President on July 24, 2002. Public Law No. 107–202.

d. Hearings.—No hearings were held on this in the 107th Congress.

10. *H.R. 3340, To amend Title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 and over, to reauthorize the Merit Systems Protection Board and the Office of Special Counsel, and for other purposes*

a. Report number and date.—House Report No. 107–686, September 25, 2002.

b. Summary of measure.—Amends Title 5, United States Code, to allow certain catch-up contributions the Thrift Savings Plan to be made by participants age 50 and over and reauthorizes the Merit Systems Protection Board and the Office of Special Counsel.

c. Legislative status.—Introduced by Representative Constance A. Morella on November 19, 2001 and referred to the House Committee on Government Reform. Ordered reported by the Committee on Government Reform on September 25, 2002. Passed House under suspension of the rules, as amended, on October 7, 2002. Passed Senate without amendment by unanimous consent on November 13, 2002. Signed by the President on November 27, 2002. Public Law No. 107–304.

d. Hearings.—No hearings were held on this in the 107th Congress.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *H.R. 2291, Reauthorization of the Drug-Free Communities Act*

a. Report number and date.—House Report No. 107–175, July 30, 2001.

b. Summary of measure.—The purpose of the “Drug-Free Communities Act of 1997” (21 U.S.C. §§ 1521 et seq.) (“DFCA”) is to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. The DFCA did this primarily by authorizing grants of up to \$100,000 to local community coalitions to assist them in their anti-drug efforts. H.R. 2291 expanded that highly successful program and reauthorized it for an additional 5 years (through fiscal year 2007). The reauthorizing legislation includes provisions that (1) annually increase the total funds authorized for the program from \$50,600,000 in fiscal year 2002 to \$99,000,000 in fiscal year 2007; (2) increase the percentage of the total funds authorized available for administrative costs from the 3 percent allowed under current law to 6 percent; (3) instruct the Director of the Office of National Drug Control Policy [ONDCP] to take steps to ensure that there is no bureaucratic duplication of effort among the various entities charged with administering the program and assisting coalitions; (4) allow coalitions to re-apply for grants even after 5 years, but with an increased matching requirement; (5) create a new class of grants that help mature coalitions “mentor” newly-formed coalitions; (6) instruct the Director to give priority for all grants to coalitions that propose to assist economically disadvantaged communities; (7) help coalitions serving Native American communities to meet their private fundraising “matching requirement” under existing law by allowing them to count Federal funds allocated to tribal government agencies as non-Federal funds raised; and (8) establish a National Community Antidrug Coalition Institute.

c. Legislative status.—Signed by President George W. Bush, December 14, 2001. Approved by committee on July 25, 2001; approved by House on September 5, 2001.

d. Hearings.—“H.R. 2291, Reauthorization of the Drug-Free Communities Act,” June 28, 2001.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. *H.R. 2061, To amend the charter of Southeastern University of the District of Columbia*

a. Report number and date.—None.

b. Summary of measure.—Amends the charter of Southeastern University by removing the requirement that one-third of its Board of Trustees members be alumni of the university.

c. Legislative status.—Introduced by Delegate Eleanor Holmes Norton on June 5, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Sub-

committee to full committee on July 9, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives under suspension of the rules on September 20, 2001. Passed Senate without amendment by unanimous consent on December 6, 2001. Signed by President on December 21, 2001 and became Public Law No. 107-93.

d. Hearings.—None.

2. *H.R. 2199, District of Columbia Police Coordination Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—Amends the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department to assist in crime prevention and law enforcement activities in the District of Columbia. Both the chief of the Metropolitan Police Department and the U.S. attorney for the District of Columbia must agree that it is appropriate for such agencies to enter into cooperative agreements.

c. Legislative status.—Introduced by Delegate Eleanor Holmes Norton on June 14, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Subcommittee to the full committee by unanimous consent on June 26, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives under suspension of the rules on September 25, 2001. Passed Senate with a technical amendment on December 11, 2001. House agreed to Senate amendment on December 19, 2001. Signed by President on January 8, 2002, and became Public Law No. 107-113.

d. Hearings.—None.

3. *H.R. 2657, District of Columbia Family Court Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—In response to repeated failures of the District of Columbia child welfare services and the family division of Superior Court to protect the children of the city, H.R. 2657 sets out several major reforms of the family division, including: 1) renames the division as the Family Court of the Superior Court of the District of Columbia; 2) grants the Family Court exclusive jurisdiction over many family and child welfare proceedings; 3) requires Family Court judges to serve 5-year appointments and mandates ongoing training programs in family law and other matters; 4) establishes special rules requiring the court to adhere to the principle of “One Family, One Judge”; 5) encourages the use of alternative dispute resolution procedures; and 6) allows hearing commissioners to serve as magistrate judges. The legislation further requires the Mayor to submit to Congress and the President a plan to integrate the computer systems of D.C. government with those of Superior Court, and requires the court to establish an electronic tracking and management system for Family Court proceedings.

c. Legislative status.—Introduced by Majority Whip Tom DeLay on July 26, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee on July 27, 2001. Approved by House of Representatives

on September 20, 2001 on a roll call vote of 408–0. Reported out of Senate Governmental Affairs Committee on December 5, 2001, with an amendment in the nature of a substitute. Passed Senate under unanimous consent on December 14, 2001. House agreed to Senate amendment on December 19, 2001. Signed by President on January 8, 2002, and became Public Law No. 107–114.

d. Hearings.—“The Reform of the Family Division of the District of Columbia Superior Court: Improving Services to Families and Children,” June 26, 2001.

4. *H.R. 1499, District of Columbia College Access Act Technical Corrections Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—The D.C. Tuition Assistance Program, created in 1999, provides financial assistance for some D.C. residents to pursue undergraduate degrees in eligible public, private or select historically black institutions of higher learning. H.R. 1499 expands the program to include D.C. residents who: 1) graduated from secondary school, or received the equivalent of such diplomas, prior to 1998; 2) have not graduated from a secondary school or received the equivalent of such diplomas, but who are nonetheless accepted for enrollment as a freshman at an eligible institution; and 3) have lived in the city for at least 5 years and are re-enrolling in a post-secondary institution after a break of at least 3 years. The legislation also includes all historically black colleges and universities (not just those located in Maryland and Virginia, as stated in the 1999 act) and prohibits the Mayor of the District of Columbia from using more than 7 percent of the program’s total budget for administrative expenses.

c. Legislative status.—Introduced by Delegate Eleanor Holmes Norton on April 4, 2001 and referred to House Committee on Government Reform. Forwarded by the District of Columbia Subcommittee to full committee by unanimous consent on June 26, 2001. Reported out of Government Reform Committee on July 25, 2001. Approved by House of Representatives on July 30, 2001 under suspension of the rules. Reported out of Senate Governmental Affairs Committee, with an amendment in the nature of a substitute on November 29, 2001. Amended on Senate floor and passed by Senate by unanimous consent on December 12, 2001. House agreed to Senate amendments, with its own amendment on March 12, 2002. Senate agreed to House amendment on March 14, 2002. Signed by President on April 4, 2002 and became Public Law No. 107–157.

d. Hearings.—None.

5. *H.R. 2305, Criminal Justice Coordinating Council Restructuring Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—The Criminal Justice Coordinating Council [CJCC] is a multi-agency, Federal-District of Columbia task force that is designed to forge cooperative solutions regarding criminal justice matters in the District of Columbia, where law enforcement, prosecution and sentencing activities are performed by Federal and local entities. This legislation permits the heads of

various Federal and local law enforcement agencies to meet regularly under the auspices of the CJCC. It allows the CJCC to receive Federal money, and it requires the organization to produce an annual report on its activities.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on June 25, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee, as amended, on September 21, 2001. Approved by House of Representatives under suspension of the rules, on December 4, 2001. Reported out of Senate Governmental Affairs Committee on April 29, 2002. Passed Senate by unanimous consent on May 7, 2002. Signed by President on May 20, 2002 and became Public Law No. 107–180.

d. Hearings.—“Coordination of Criminal Justice Activities in the District of Columbia,” May 11, 2001.

6. *H.R. 5205, To amend the District of Columbia Retirement Protection Act of 1997*

a. Report number and date.—None.

b. Summary of measure.—The District of Columbia Retirement Protection Act of 1997 requires the Federal Government to include longevity pay when it calculates the pension benefits for retired officers of the Metropolitan Police Department or their survivors. The Federal Government had assumed the liability for the District of Columbia’s pension system as part of the 1997 Revitalization Act. H.R. 5205 permits the Secretary of the Treasury to use a generalized formula to calculate these benefits, because much of the relevant District of Columbia data concerning longevity pay is either missing, incomplete or difficult to access.

c. Legislative status.—Introduced by subcommittee Chairwoman Connie Morella on July 24, 2002 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee on September 20, 2002. Reported out of Government Reform Committee on October 9, 2002. Approved by House of Representatives without objection on October 10, 2002. Received in the Senate and read twice, on October 15, 2002. Passed Senate by unanimous consent on October 17, 2002. Signed by President on November 7, 2002 and became Public Law No. 107–290.

d. Hearings.—None.

7. *H.R. 5515, Court Services and Offender Supervision Agency Interstate Supervision Act of 2002*

a. Report number and date.—Senate Report No. 107–322.

b. Summary of measure.—H.R. 5515 requires the independent Court Services and Offender Supervision Agency [CSOSA] to provide for the supervision of: District of Columbia offenders on parole, probation and supervised release who seek to reside in jurisdictions outside the District; and offenders on parole, probation and supervised release from other jurisdictions who choose to reside in the District of Columbia. It authorizes the director of CSOSA to enter interstate compacts for adult offender supervision with any State or group of States. This legislation is necessary to close an

existing gap in interstate offender supervision. It amends the National Capital Revitalization and Self-Government Act of 1997.

c. Legislative status.—Introduced by Delegate Eleanor Holmes Norton on October 1, 2002 and referred to the House Committee on Government Reform. An identical bill (S. 3044) was introduced in Senate by Senator Richard J. Durbin on October 3, 2002. The Senate bill was reported out of Senate Governmental Affairs Committee on October 9, 2002. Passed Senate under unanimous consent on November 13, 2002. Received at the House and held at the desk on November 14, 2002. Approved by House of Representatives by unanimous consent on November 15, 2002 and cleared for the White House. Signed by the President on November 26, 2002 and became Public Law 107–302.

d. Hearings.—None.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, *Chairman*

1. *H.R. 327, Small Business Paperwork Relief Act*

a. Report number and date.—There was no House Report on H.R. 327 in the 107th Congress. However, there were House Reports for the predecessor bills to H.R. 327 both in the 105th (H.R. 3310) and 106th (H.R. 391) Congresses: House Report 105–462, Part 1 and House Report 106–8, Part 1, respectively.

b. Summary of measure.—H.R. 327 amends 35 U.S.C. § 44 to facilitate compliance by small businesses with certain Federal paperwork requirements. It creates a single point of contact at each agency for small businesses. It also requires each agency to submit two reports—each with data for a 1-year period—on enforcement actions in which a civil penalty was assessed and the penalty amounts reduced or waived for small businesses. In addition, it establishes a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

c. Legislative status.—On March 15, 2001, the House passed an amended version of H.R. 327 by a vote of 418 to 0. On December 17th, the Senate passed its companion bill (S. 1271) by unanimous consent. On May 22, 2002, the Senate passed a further amended version of H.R. 327 by unanimous consent. On June 18th, the House agreed to the Senate amendments by a vote of 418 to 0. On June 28th, the President signed the final bill into law as Public Law No. 107–198.

d. Hearings.—There was no hearing on H.R. 327 in the 107th Congress. However, there were many hearings on small business paperwork relief in the 104th, 105th, and 106th Congresses.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *H.R. 2547, the Erroneous Payment Recovery Act*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2547 would require each Federal department and agency that enters into contracts for goods and services totaling more than \$500 million in a fiscal year to implement a program to identify errors made in paying contractors and recovering any amounts erroneously paid. Amounts recovered would be available to reimburse the agency for program expenses and to pay for recovery audit services. Remaining amounts would be credited to the appropriations accounts from which the payments were made if available or deposited in the Treasury.

c. Legislative status.—H.R. 2547 with an amendment was inserted into H.R. 2586, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House of Representatives on September 25, 2001, and was inserted into S. 1438 and was signed into law on December 28, 2001, becoming Public Law 107–107.

d. Hearings.—None.

2. H.R. 4685, *The Accountability of Tax Dollars Act of 2002*

a. Report number and date.—None.

b. Summary of measure.—H.R. 4685 was introduced by Representative Patrick Toomey from Pennsylvania on May 8, 2002. At present, only 24 Federal cabinet departments and major independent agencies are required to prepare annual audited financial statements. H.R. 4685 requires executive agencies that are not otherwise required to submit annual audited financial statements, excluding Government corporations, to submit such statements to Congress and the Director of the Office of Management and Budget [OMB]. The bill permits the director of the OMB to exempt agencies from preparing such a statement for any fiscal year in which the total amount of budget authority available to the agency is less than \$25 million. H.R. 4685 allows the Director of OMB to waive the bill’s requirements for a department or agency that needs additional time to comply with the act’s requirements for up to 2 fiscal years after enactment.

c. Legislative status.—On June 18, 2002, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 4685 unanimously by voice vote and referred the legislation to the full committee. The full committee waived the bill and referred it to the full House. The House approved the legislation, as amended, under suspension of the rules on October 7, 2002. The Senate passed the bill without amendment under unanimous consent on October 17, 2002. On November 7, 2002, the President signed the bill into law, becoming Public Law 107–289.

d. Hearings.—“H.R. 4685, the Accountability of Tax Dollars Act of 2002,” May 14, 2002.

3. H.R. 4878, *The Improper Payments Information Act of 2002*

a. Report number and date.—Senate Report 107–333, October 17, 2002, issued by Senate Governmental Affairs Committee.

b. Summary of measure.—H.R. 4878 was introduced by the subcommittee’s chairman, Representative Steve Horn from California on June 6, 2002. The bill directs each executive agency, in accordance with OMB guidance, to review all of its programs and activities annually, identify those that may be susceptible to significant

improper payments, estimate the annual amount of improper payments, and submit those estimates to Congress before March 31st of the following year. For each program or activity with estimated improper payments exceeding \$10 million, agencies are also to provide a report on agency actions to reduce such improper payments, which includes: 1) a discussion of the causes of the improper payments and results of the actions taken to address those causes; 2) a statement of whether the agency has the information systems and other infrastructure it needs to reduce such payments to minimal cost-effective levels and, if not, a description of the requested resources needed to reduce such improper payments; and 3) a description of the steps the agency has taken to ensure that managers are held accountable for reducing improper payments.

c. Legislative status.—On June 18, 2002, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 4878 unanimously by voice vote and referred the legislation to the full committee. The full committee waived the bill to the full House. On July 9, 2002, the House passed H.R. 4878, as amended, under suspension of the rules. On October 17, 2002, the Senate approved the bill, with amendment, under unanimous consent. The House suspended the rules and concurred in the Senate amendments on November 12, 2002. On November 26, 2002, the President signed the bill into law, becoming Public Law 107–300.

d. Hearings.—The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held more than 20 oversight hearings on financial management at Federal agencies during the 107th Congress. The topic of improper payments made by Federal agencies arose at each of those hearings.

4. *H.R. 5215, Confidential Information Protection and Statistical Efficiency Act of 2002*

a. Report number and date.—House Report No. 107–778, November 13, 2002.

b. Summary of measure.—H.R. 5215 was introduced by the subcommittee’s chairman, Representative Horn, on June 6, 2002. The bill requires that data or information acquired by a statistical agency under a pledge of confidentiality and for exclusively statistical purposes be used only by the agency for such purposes. The bill prohibits such information from being disclosed in identifiable form for any use other than a statistical purpose without the informed consent of the respondent. H.R. 5215 also removes statutory barriers that prevent the Census Bureau, the Bureau of Labor Statistics and the Bureau of Economic Analysis from sharing and comparing business-related statistical data. These three agencies are referred to as designated statistical agencies in the bill. H.R. 5215 requires these designated statistical agencies to identify opportunities to eliminate duplication and reduce the reporting burden and cost imposed on the public in providing statistical information. The designated statistical agencies are also required to enter into joint statistical projects to improve the quality of statistical programs.

c. Legislative status.—On September 17, 2002, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations marked up H.R. 5215, as amended, approving it

unanimously by voice vote and referred the legislation to the full committee. On October 9, 2002, the full committee marked up the bill and referred it to the House. H.R. 5215 was inserted into H.R. 2458, “The E-Government Act of 2002,” which passed the House by unanimous consent on November 15, 2002. The Senate also approved H.R. 2458 without amendment under unanimous consent on November 15, 2002. The bill was signed into law on December 17, 2002, Public Law 107–347.

d. Hearings.—“H.R. 5215, the Confidential Information Protection and Statistical Efficiency Act of 2002,” September 17, 2002.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *H.R. 788, to provide for the conveyance of the excess Army Reserve Center in Kewaunee, WI*

a. Report number and date.—None.

b. Summary of measure.—H.R. 788 would direct the Administrator of General Services to convey an Army Reserve Center, that is surplus to the needs of the Federal Government, to the city of Kewaunee, WI. Allows the property to be used by the city, or another local or State government approved by the city, and prohibits the use of the property for commercial purposes.

c. Legislative status.—H.R. 788 passed the House of Representatives under suspension of the rules on September 10, 2001. It was inserted with an amendment into H.R. 2586/S. 1438, the “National Defense Authorization Act for Fiscal Year 2002,” which passed the House and the Senate and was signed into law on December 28, 2001, and became Public Law 107–107.

d. Hearings.—None.

2. *H.R. 2458, the Electronic Government Act of 2002 (Public Law 107–347)*

a. Report number and date.—The Committee on Government Reform issued House Report No. 107–787, Part I on November 14, 2002.

b. Summary of measure.—H.R. 2458, the bipartisan, “Electronic Government Act of 2002,” introduced by Congressman Jim Turner (TX), provides a new framework for managing the Federal Government’s information resources and increasing the availability of information to citizens through electronic government initiatives. The bill establishes an E-Government fund and creates a new Office of Electronic Government in the Office of Management and Budget, which will be led by a politically appointed E-Government Administrator. The new office can then focus on better management of our information resources. The act includes several provisions intended to ensure greater citizen access to the Federal government through the improved application of information technology [IT]. The bill strengthens information security government-wide and addresses the management and protection of information collected for statistical purposes. It also encourages contractor innovation for information technology solutions that will enhance electronic government

services and processes, and allows for the use of share-in-savings contracts for the procurement of information technology solutions.

c. Legislative status.—H.R. 2458 passed in the House of Representatives under unanimous consent on November 14, 2002. The Senate passed the bill under unanimous consent on November 15, 2002. The President signed it into law on December 9, 2002.

d. Hearings.—On September 18, 2002, the Subcommittee on Technology and Procurement Policy held a legislative hearing to consider the legislation and S. 803, the Senate companion bill, which was passed by the Senate under unanimous consent on June 27, 2002. The subcommittee heard testimony from Linda Koontz of GAO; Mark Forman from the Office of Management and Budget; Pat McGinnis from the Council of Excellence in Government; Mr. Tom Gann, vice president of government relations for Siebel Systems testifying on behalf of the Information Technology and Industry Council, and Mr. Roger Baker, former Chief Information Officer of the Department of Commerce.

On October 1, 2002, the subcommittee held a mark-up of the bill. Subcommittee Chairman Tom Davis offered three amendments that were accepted by voice vote. The first amendment strikes the Senate confirmation requirement for the Administrator of Electronic Government. The second amendment increases training opportunities for IT managers through the creation of the Digital Tech Corps, which will encourage the exchange of talented mid-level staff between leading-edge private sector organizations and governmental agencies. The third amendment authorizes the government-wide use of share-in-savings contracts for information technology solutions. These amendments were incorporated into a manager's amendment in the nature of a substitute that the subcommittee approved by voice vote. This substitute reflected the current form of the legislation, namely, Titles I, II, III, IV, and V. An amendment offered by Congressman Turner inserting the text of the Statistical Efficiency Act (H.R. 5215) was also adopted.

On October 9, 2002, the Committee on Government Reform held a business meeting where it marked up H.R. 2458. The committee, by voice vote, did not accept an amendment offered by Congressman Jim Turner to reinstate Senate confirmation of the Administrator of Electronic Government. By voice vote, the committee then approved reporting H.R. 2458 without amendment to the full House.

3. *H.R. 3921, the "Acquisition Streamlining Improvement Act," introduced by Congressman Dan Burton (IN)*

a. Report number and date.—None.

b. Summary of measure.—This bill would extend until January 1, 2005, the authority for agencies to use simplified procedures to purchase commercial items valued in excess of the simplified acquisition threshold. It would also require the General Accounting Office to report on the effectiveness of this authority.

c. Legislative status.—H.R. 3921 was introduced by Congressman Burton on March 11, 2002 and was approved by the Committee on Government Reform on March 14, 2002. The bill passed the House under suspension of the rules on April 9, 2002, and was not acted on by the Senate. A similar provision extending the authority for

1 year was enacted in the Defense Authorization Act for Fiscal Year 2003, Public Law 107-314.

d. Hearings.—No hearings were held on this legislation during the 107th Congress.

B. LEGISLATION APPROVED BY THE HOUSE

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *H. Con. Res. 257, expressing the sense of the Congress that the men and women of the U.S. Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency*

a. Report number and date.—None.

b. Summary of measure.—H. Con. Res. 257 expresses the sense of the Congress that the men and women of the U.S. Postal Service have done an outstanding job of collecting, processing, sorting, and delivering the mail during this time of national emergency

c. Legislative status.—Introduced by Representative Danny Davis (IL), referred to the House Committee on Government Reform, passed the House of Representatives under suspension of the rules on November 14, 2001, and is pending before the Senate.

d. Hearings.—None.

2. *H. Con. Res. 337, recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation*

a. Report number and date.—None.

b. Summary of measure.—H. Con. Res. 337 recognizes the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

c. Legislative status.—Introduced by Representative J.C. Watts (OK) on February 27, 2002, was referred to the Committee on Government Reform. The resolution passed the House under suspension of the rules on September 18, 2002, and is pending before the Senate.

d. Hearings.—None.

3. *H. Con. Res. 413, honoring the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary*

a. Report number and date.—None.

b. Summary of measure.—H. Con. Res. 413 honors the invention of modern air conditioning by Dr. Willis H. Carrier on the occasion of its 100th anniversary.

c. Legislative status.—Introduced by Representative James Walsh (NY) on June 5, 2002, and referred to the House Committee on Government Reform. The resolution passed the House under suspension of the rules on July 15, 2002, and passed the Senate under unanimous consent on July 19, 2002.

d. Hearings.—None.

4. *H. Con. Res. 466, recognizing the significance of bread in American history, culture and daily diet*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—H. Con. Res. 466 recognizes the significance of bread in American history, culture and daily diet.
 - c. *Legislative status.*—Introduced by Representative Jerry Moran (KS) on September 11, 2002, and referred to the House Committee on Government Reform. The resolution passed the House under unanimous consent on November 15, 2002, and is pending before the Senate.
 - d. *Hearings.*—None.
5. *H. Res. 377, recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—H. Res. 377 recognizes the Ellis Island Medal of Honor and commends the National Ethnic Coalition of Organizations.
 - c. *Legislative status.*—Introduced by Representative Dan Burton (IN) on April 9, 2002 and referred to the House Committee on Government Reform. The resolution passed the House under suspension of the rules on April 9, 2002.
 - d. *Hearings.*—None.
6. *H. Res. 406, commemorating and acknowledging the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—H. Res. 406 commemorates and acknowledges the dedication and sacrifice made by the men and women killed or disabled while serving as peace officers.
 - c. *Legislative status.*—Introduced by Representative Joel Hefley (CO) on May 1, 2002, and passed the House under suspension of the rules on June 11, 2002.
 - d. *Hearings.*—None.
7. *H. Res. 455, honoring the life of John Francis “Jack” Buck*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—H. Res. 455 honors the life of John Francis “Jack” Buck.
 - c. *Legislative status.*—Introduced by Representative Carolyn Kilpatrick (MI) on June 20, 2002, and passed the House under suspension of the rules on July 16, 2002.
 - d. *Hearings.*—None.
8. *H. Res. 482, honoring Ted Williams and extending the condolences of the House of Representatives on his death*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—H. Res. 482 honors Ted Williams and extends the condolences of the House of Representatives on his death.
 - c. *Legislative status.*—Introduced by Representative Edward Markey (MA) on July 12, 2002, and passed the House under suspension of the rules on July 16, 2002.

d. Hearings.—None.

9. *H. Res. 599, congratulating the Anaheim Angels for winning the 2002 World Series*

a. Report number and date.—None.

b. Summary of measure.—H. Res. 599 congratulates the Anaheim Angels for winning the 2002 World Series.

c. Legislative status.—Introduced by Representative Christopher Cox (CA) on November 12, 2002, and passed the House under unanimous consent on November 15, 2002.

d. Hearings.—None.

10. *H.R. 628, to designate the facility of the U.S. Postal Service located at 440 South Orange Blossom Trail in Orlando, FL, as the “Arthur ‘Pappy’ Kennedy Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 628 designates the U.S. Post Office located at 440 South Orange Blossom Trail in Orlando, FL, as the “Arthur ‘Pappy’ Kennedy Post Office Building.”

c. Legislative status.—Introduced by Representative Corrine Brown (FL) on February 14, 2001. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

11. *H.R. 629, to designate the facility of the U.S. Postal Service located 1601–1 Main Street in Jacksonville, FL, as the “Eddie Mae Steward Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 629 designates the U.S. Post Office located 1601–1 Main Street in Jacksonville, FL, as the “Eddie Mae Steward Post Office Building.”

c. Legislative status.—Introduced by Representative Corrine Brown (FL) on February 14, 2001. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

12. *H.R. 2578, to designate the facility of the U.S. Postal Service located at 8200 South Vermont Avenue in Los Angeles, CA, as the “Augustus F. Hawkins Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 2578 designates the U.S. Post Office located at 8200 South Vermont Avenue in Los Angeles, CA, as the “Augustus F. Hawkins Post Office Building.”

c. Legislative status.—Introduced by Representative Maxine Waters (CA) on July 19, 2001. The bill passed the House under suspension of the rules on October 7, 2002, and is pending in the Senate.

d. Hearings.—None.

13. *H.R. 3775, to designate the facility of the U.S. Postal Service located at 1502 East Kiest Boulevard in Dallas, TX, as the “Dr. Caesar A. W. Clark Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3775 designates the U.S. Post Office located at 1502 East Kiest Boulevard in Dallas, TX, as the “Dr. Caesar A. W. Clark Post Office Building.”

c. Legislative status.—Introduced by Representative Corrine Brown (FL) on February 14, 2001. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

14. *H.R. 5145, to designate the facility of the U.S. Postal Service located at 3135 First Avenue North in St. Petersburg, FL, as the “William C. Cramer Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5145 designates the U.S. Post Office located at 3135 First Avenue North in St. Petersburg, FL, as the “William C. Cramer Post Office Building.”

c. Legislative status.—Introduced by Representative Bill Young (FL) on July 16, 2002. The bill passed the House under suspension of the rules on July 22, 2002, and is pending in the Senate.

d. Hearings.—None.

15. *H.R. 5280, to designate the facility of the U.S. Postal Service located at 2001 East Willard Street in Philadelphia, PA, as the “Robert A. Borski Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5280 designates the U.S. Post Office located at 2001 East Willard Street in Philadelphia, PA, as the “Robert A. Borski Post Office Building.”

c. Legislative status.—Introduced by Representative Chaka Fattah (PA) on July 26, 2002. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

16. *H.R. 5361, to designate the facility of the U.S. Postal Service located at 1830 South Lake Drive in Lexington, SC, as the “Floyd Spence Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5361 designates the U.S. Post Office located at 1830 South Lake Drive in Lexington, SC, as the “Floyd Spence Post Office Building.”

c. Legislative status.—Introduced by Representative Joe Wilson (SC) on September 10, 2002. The bill passed the House under unanimous consent on October 10, 2002, and is pending in the Senate.

d. Hearings.—None.

17. *H.R. 5439, to designate the facility of the U.S. Postal Service located at 111 West Washington Street in Bowling Green, OH, as the “Delbert L. Latta Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5439 designates the U.S. Post Office located at 111 West Washington Street in Bowling Green, OH, as the “Delbert L. Latta Post Office Building.”

c. Legislative status.—Introduced by Representative Paul Gillmor (OH) on September 24, 2002. The bill passed the House under unanimous consent on October 10, 2002, and is pending in the Senate.

d. Hearings.—None.

18. *H.R. 5495, to designate the facility of the U.S. Postal Service located at 115 West Pine Street in Hattiesburg, MS, as the “Major Henry A. Commiskey, Sr. Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5495 designates the U.S. Post Office located at 115 West Pine Street in Hattiesburg, MS, as the “Major Henry A. Commiskey, Sr. Post Office Building.”

c. Legislative status.—Introduced by Representative Gene Taylor (MS) on September 26, 2002. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

19. *H.R. 5586, to designate the facility of the U.S. Postal Service located at 141 Erie Street in Linesville, PA, as the “James R. Merry Post Office Building”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5586 designates the U.S. Post Office located at 141 Erie Street in Linesville, PA, as the “James R. Merry Post Office Building.”

c. Legislative status.—Introduced by Representative Phil English (PA) on October 9, 2002. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

20. *H.R. 5609, to designate the facility of the U.S. Postal Service located at 600 East 1st Street in Rome, GA, as the “Martha Berry Post Office”*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5609 designates the U.S. Post Office located at 600 East 1st Street in Rome, GA, as the “Martha Berry Post Office.”

c. Legislative status.—Introduced by Representative Bob Barr (GA) on October 10, 2002. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

21. *H.R. 5640, to amend title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged*

a. Report number and date.—None.

b. Summary of measure.—H.R. 5640 amends title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged.

c. Legislative status.—Introduced by Representative Dave Weldon (FL) on October 10, 2002. The bill passed the House under unanimous consent on November 15, 2002, and is pending in the Senate.

d. Hearings.—None.

SUBCOMMITTEE ON CIVIL SERVICE, CENSUS AND AGENCY
ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *S. Con. Res. 44, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—Pays tribute, on the occasion of the 60th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, by Japanese Imperial Forces, to the U.S. citizens who died as a result of the attack, and to the service of the American sailors and soldiers who survived the attack.

c. Legislative status.—Passed House under suspension of the rules on November 27, 2001. Passed Senate on November 15, 2001.

d. Hearings.—None.

2. *H. Con. Res. 56, Expressing the sense of the Congress regarding National Pearl Harbor Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—Pays tribute on the 60th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, by Japanese Imperial Forces, to the citizens who were killed in the attack, and to the service of the Pearl Harbor Survivors Association.

c. Legislative status.—Passed House on June 6, 2001 and referred to Senate Committee.

d. Hearings.—None.

3. *H. Con. Res. 59, Expressing the sense of Congress regarding the prevention of shaken baby syndrome*

a. Report number and date.—None.

b. Summary of measure.—Supports efforts to protect children from abuse and neglect. Encourages the people of the United States to educate themselves regarding shaken baby syndrome and the techniques to prevent it.

c. Legislative status.—Passed House on April 3, 2001 under suspension of the rules.

d. Hearings.—None.

4. *H. Con. Res. 80, Congratulating the city of Detroit and its residents on the occasion of the tricentennial of the city's founding*

a. Report number and date.—None.

b. Summary of measure.—Congratulates the city of Detroit on the occasion of the tricentennial of its founding, and its residents

for their important contributions to the economic, social, and cultural development of the United States.

c. Legislative status.—Passed House on May 22, 2001 by unanimous consent. Passed Senate on June 6, 2001 by unanimous consent.

d. Hearings.—None.

5. *H. Con. Res. 88, Expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Day*

a. Report number and date.—None.

b. Summary of measure.—Calls upon the President to issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Day.

c. Legislative status.—Passed House on November 13, 2001 under suspension of the rules. Passed Senate on December 10 by unanimous consent.

d. Hearings.—None.

6. *H. Con. Res. 163, Recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the historical significance of Juneteenth Independence Day (celebrated on June 19 for 136 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom). Encourages the continued celebration of this day to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation.

c. Legislative status.—Passed House on June 19, 2001 under suspension of the rules.

d. Hearings.—None.

7. *H. Con. Res. 179, Expressing the sense of Congress regarding the establishment of a National Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

c. Legislative status.—Passed House on August 3, 2001 by unanimous consent.

d. Hearings.—None.

8. *H. Con. Res. 190, Supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month*

a. Report number and date.—None.

b. Summary of measure.—Congress supports the goals and ideals of National Alcohol and Drug Addiction Recovery Month

c. Legislative status.—Passed House on July 30, 2001 under suspension of the rules.

d. Hearings.—None.

9. *H. Res. 97, Recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm.

c. Legislative status.—Passed House on June 12, 2001 under suspension of the rules.

d. Hearings.—None.

10. *H. Res. 116, Commemorating the dedication and sacrifices of the men and women of the United States who were killed or disabled while serving as law enforcement officers*

a. Report number and date.—None.

b. Summary of measure.—Calls for all peace officers slain in the line of duty to be honored and recognized.

c. Legislative status.—Passed House on May 15, 2001 under suspension of the rules.

d. Hearings.—None.

11. *H. Res. 172, Honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters*

a. Report number and date.—None.

b. Summary of measure.—Honors John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters, and recognizes them for their bravery and sacrifice. Expresses condolences to their families. Pledges the support of the House of Representatives to continue to work on behalf of all of the Nation's firefighters who risk their lives every day to ensure the safety of all Americans.

c. Legislative status.—Passed House on June 27, 2001 under suspension of the rules.

d. Hearings.—None.

12. *H. Res. 198, Congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball*

a. Report number and date.—None.

b. Summary of measure.—Congratulates Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball.

c. Legislative status.—Passed House on October 2, 2001 under suspension of the rules.

d. Hearings.—None.

13. *H. Res. 201, Honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State*

a. Report number and date.—None.

b. Summary of measure.—Honoring four firefighters who lost their lives in the Thirtymile Fire in the Cascade Mountains of Washington State.

c. Legislative status.—Passed House on July 23, 2001 under suspension of the rules.

d. Hearings.—None.

14. *H. Res. 202, Expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Season to encourage eligible donors in the United States to donate blood*

a. Report number and date.—None.

b. Summary of measure.—Expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Season to encourage eligible donors in the United States to donate blood.

c. Legislative status.—Passed House on September 5, 2001 under suspension of the rules.

d. Hearings.—None.

15. *H. Res. 235, Expressing the sense of the House of Representatives regarding the establishment of a National Words Can Heal Day*

a. Report number and date.—None.

b. Summary of measure.—Expressing the sense of the House of Representatives in support of the goals of National Words Can Heal Day.

c. Legislative status.—Passed House on November 13, 2001 under suspension of the rules.

d. Hearings.—None.

16. *H. Res. 247, Honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation*

a. Report number and date.—None.

b. Summary of measure.—Honoring Cal Ripken, Jr., for an outstanding career, congratulating him on his retirement, and thanking him for his contributions to baseball, to the State of Maryland, and to the Nation.

c. Legislative status.—Passed House on October 2, 2001 under suspension of the rules.

d. Hearings.—None.

17. *H. Res. 254, Supporting the goals of Pregnancy and Infant Loss Remembrance Day*

a. Report number and date.—None.

b. Summary of measure.—The House supports the goals of Pregnancy and Infant Loss Remembrance Day.

c. Legislative status.—Passed House on October 9, 2001 under suspension of the rules.

d. Hearings.—None.

18. *H. Res. 266, Congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball*

a. Report number and date.—None.

b. Summary of measure.—Congratulating Barry Bonds on his spectacular, record-breaking season for the San Francisco Giants and Major League Baseball

c. Legislative status.—Passed House on October 30, 2001 under suspension of the rules.

d. Hearings.—None.

19. *H. Res. 298, Expressing the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of the House of Representatives that Veterans Day should continue to be observed on November 11 and separate from any other Federal holiday or day for Federal elections or national observances.

c. Legislative status.—Passed House on December 5, 2001 under suspension of the rules.

d. Hearings.—None.

20. *H. Res. 308, Expressing the sense of the House of Representatives regarding the establishment of a National Motivation and Inspiration Day*

a. Report number and date.—None.

b. Summary of measure.—Supports the goals of National Motivation and Inspiration Day.

c. Legislative status.—Passed House on December 18, 2001 under suspension of the rules.

d. Hearings.—None.

21. *H. Res. 269, Expressing the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of the House of Representatives to honor the life and achievements of 19th Century Italian-American inventor Antonio Meucci, and his work in the invention of the telephone.

c. Legislative status.—Passed House on June 11, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

22. *H. Res. 336, Honoring the life of Rex David “Dave” Thomas and expresses the deepest condolences of the House of Representatives to his family on his death*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Honors the life of Rex David “Dave” Thomas and expressing the deepest condolences of the House of Representatives to his family on his death.
 - c. *Legislative status.*—Passed House on January 29, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
23. *H. Res. 340, Recognizing and honoring Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Recognizes and honors Jack Shea, Olympic gold medalist in speed skating, for his many contributions to the Nation and to his community throughout his life.
 - c. *Legislative status.*—Passed House on February 6, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
24. *H. Res. 363, Congratulating the people of Utah, the Salt Lake Organizing Committee, and the athletes of the world in a successful and inspiring 2002 Olympic Winter Games*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Congratulates the people of Utah, the Salt Lake Organizing Committee, and the athletes of the world in a successful and inspiring 2002 Olympic Winter Games.
 - c. *Legislative status.*—Passed House on April 10, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
25. *H. Res. 371, Recognizing Women’s History Month and the contributions of American women throughout history*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Recognizes Women’s History Month and the contributions of American women throughout history.
 - c. *Legislative status.*—Passed House on March 20, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
26. *H. Res. 384, Honoring the men and women of the U.S. Secret Service New York field office for their extraordinary performance and commitment to service during and immediately following the terrorist attacks on the World Trade Center on September 11, 2001*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Honors the men and women of the U.S. Secret Service New York field office for their extraordinary

performance and commitment to service during and immediately following the terrorist attacks on the World Trade Center on September 11, 2001.

c. Legislative status.—Passed House on April 23, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

27. *H. Res. 424, Paying tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center*

a. Report number and date.—None.

b. Summary of measure.—Pays tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center.

c. Legislative status.—Passed House on May 22, 2002 under suspension of the rules and agreed to by the Yeas and Nays—416–0.

d. Hearings.—No hearings were held on this in the 107th Congress.

28. *H. Res. 492, Expressing gratitude for the 10-month long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, NY, following the terrorist attacks of September 11, 2001*

a. Report number and date.—None.

b. Summary of measure.—Expresses gratitude for the 10-month long World Trade Center cleanup and recovery efforts at the Fresh Kills Landfill on Staten Island, NY, following the terrorists attacks of September 11, 2001.

c. Legislative status.—Passed House on July 22, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

29. *H. Res. 471, To recognize the significant contributions of Paul Ecke, Jr., to the poinsettia industry, and for other purposes*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the significant contributions of Paul Ecke, Jr., to the poinsettia industry, and for other purposes.

c. Legislative status.—Passed House on July 22, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

30. *H. Res. 94, Honoring the contributions of Venus and Serena Williams*

a. Report number and date.—None.

b. Summary of measure.—Honors the contributions of Venus and Serena Williams.

c. Legislative status.—Passed House on September 5, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

31. *H. Res. 516, Congratulating the Valley Sports American Little League baseball team from Louisville, KY for its outstanding performance in the Little League World Series*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Congratulates the Valley Sports American Little League baseball team from Louisville, KY for its outstanding performance in the Little League World Series.
 - c. *Legislative status.*—Passed House on September 9, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
32. *H. Res. 538, Honoring Johnny Unitas and extending condolences to his family on his passing*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Honors Johnny Unitas and extends condolences to his family on his passing.
 - c. *Legislative status.*—Passed House on October 1, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
33. *H. Res. 530, Congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Congratulates the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the winning streak by an American League baseball team.
 - c. *Legislative status.*—Passed House on October 1, 2002 under suspension of the rules.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
34. *H. Res. 542, Congratulating the Bryan Packers American Legion baseball team from West Point, MS, for its outstanding performance in winning the 2002 American Legion World Series*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Congratulates the Bryan Packers American Legion baseball team from West Point, MS, for its outstanding performance in winning the 2002 American Legion World Series.
 - c. *Legislative status.*—Passed in House under unanimous consent on October 10, 2002.
 - d. *Hearings.*—No hearings were held on this in the 107th Congress.
35. *H. Res. 572, Honoring the 225th anniversary of the signing of the Articles of Confederation*
- a. *Report number and date.*—None.
 - b. *Summary of measure.*—Honors the 225th anniversary of the signing of the Articles of Confederation.

c. Legislative status.—Passed in House under unanimous consent on October 10, 2002.

d. Hearings.—No hearings were held on this in the 107th Congress.

36. *H. Res. 532, Congratulating the Los Angeles Sparks basketball team for winning the 2002 Women’s National Basketball Association championship*

a. Report number and date.—None.

b. Summary of measure.—Congratulates the Los Angeles Sparks basketball team for winning the 2002 Women’s National Basketball Association championship.

c. Legislative status.—Passed in House under unanimous consent on October 10, 2002.

d. Hearings.—No hearings were held on this in the 107th Congress.

37. *H. Res. 571, Honoring the life of David O. “Doc” Cooke, the “Mayor of the Pentagon”*

a. Report number and date.—None.

b. Summary of measure.—Honors the life of David O. “Doc” Cooke, the “Mayor of the Pentagon.”

c. Legislative status.—Passed in House under unanimous consent on October 10, 2002.

d. Hearings.—No hearings were held on this in the 107th Congress.

38. *H. Con. Res. 335, Recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States.

c. Legislative status.—Passed House under unanimous consent on February 28, 2002 and referred to Senate committee.

d. Hearings.—No hearings were held on this in the 107th Congress.

39. *H. Con. Res. 339, Recognizing the 100th anniversary of the establishment of the Bureau of the Census*

a. Report number and date.—None.

b. Summary of measure.—Acknowledges the Census Bureau on the 100th anniversary of its establishment.

c. Legislative status.—Passed House on March 12, 2002 under suspension of the rules. Passed Senate by unanimous consent.

d. Hearings.—No hearings were held on this in the 107th Congress.

40. *H. Con. Res. 340, Supporting the goals and ideals of Meningitis Awareness Month*

a. Report number and date.—None.

b. Summary of measure.—Supports the goals and ideals of Meningitis Awareness Month.

c. Legislative status.—Passed House under suspension of the rules on June 17, 2002 and referred to Senate committee.

d. Hearings.—No hearings were held on this in the 107th Congress.

41. *H. Con. Res. 424, Commending the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001*

a. Report number and date.—None.

b. Summary of measure.—Commends the patriotic contributions of the roofing professionals who replaced, at no cost to the Federal Government, the section of the Pentagon's slate roof that was destroyed as a result of the terrorist attacks against the United States that occurred on September 11, 2001.

c. Legislative status.—Passed House under suspension of the rules on June 27, 2002 and referred to Senate committee.

d. Hearings.—No hearings were held on this in the 107th Congress.

42. *H. Con. Res. 297, Recognizing the historical significance of 100 years of Korean immigration to the United States*

a. Report number and date.—None.

b. Summary of measure.—Recognizes the historical significance of 100 years of Korean immigration to the United States.

c. Legislative status.—Passed House under suspension of the rules on September 25, 2002 and referred to Senate committee.

d. Hearings.—No hearings were held on this in the 107th Congress.

43. *H. Con. Res. 458, Recognizing and commending Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity*

a. Report number and date.—None.

b. Summary of measure.—Recognizes and commends Mary Baker Eddy's achievements and the Mary Baker Eddy Library for the Betterment of Humanity.

c. Legislative status.—Passed House on September 24, 2002 under suspension of the rules. Passed Senate by unanimous consent.

d. Hearings.—No hearings were held on this in the 107th Congress.

44. *H. Con. Res. 409, Supporting the goals and ideals of National Community Role Models Week, and for other purposes*

a. Report number and date.—None.

b. Summary of measure.—Supports the goals and ideals of National Community Role Models Week, and for other purposes.

c. Legislative status.—Passed House on October 7, 2002 under suspension of the rules.

d. Hearings.—No hearings were held on this in the 107th Congress.

45. *H. Con. Res. 486, Supporting the goals and ideals of Pancreatic Cancer Awareness Month*

a. Report number and date.—None.

b. Summary of measure.—Supports the goals and ideals of Pancreatic Cancer Awareness Month.

c. Legislative status.—Passed House on October 10, 2002 under unanimous consent.

d. Hearings.—No hearings were held on this in the 107th Congress.

46. *H. Con. Res. 504, Congratulating the PONY League baseball team of Norwalk, CA, for winning the 2002 PONY League World Championship*

a. Report number and date.—None.

b. Summary of measure.—Congratulates the PONY League baseball team of Norwalk, CA, for winning the 2002 PONY League World Championship.

c. Legislative status.—Passed House on October 10, 2002 under unanimous consent.

d. Hearings.—No hearings were held on this in the 107th Congress.

47. *H. Con. Res. 499, Honoring George Rogers Clark*

a. Report number and date.—None.

b. Summary of measure.—Honors George Rogers Clark.

c. Legislative status.—Passed in House under unanimous consent on October 15, 2002.

d. Hearings.—No hearings were held on this in the 107th Congress.

48. *H.R. 5640, American Flag Pride Act*

a. Report number and date.—None.

b. Summary of measure.—Amends Title 5, United States Code, to ensure that the right of Federal employees to display the flag of the United States not be abridged.

c. Legislative status.—Passed in House under unanimous consent on October 16, 2002.

d. Hearings.—No hearings were held on this in the 107th Congress.

49. *H. Con. Res. 292, Supporting the goals of establishing the Year of the Rose*

a. Report number and date.—None.

b. Summary of measure.—House supports the goals of establishing the Year of the Rose.

c. Legislative status.—Passed House on December 19, 2001 under suspension of the rules. Passed Senate on December 20, 2001 without amendment by unanimous consent.

d. Hearings.—No hearings were held on this in the 107th Congress.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *H. Res. 569, expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States*

a. Report number and date.—None.

b. Summary of measure.—H. Res. 569 expresses support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

c. Legislative status.—Introduced by Representative Mark Souder (IN) on October 2, 2002, and passed the House under suspension of the rules on October 7, 2002.

d. Hearings.—None.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *H.R. 577, a bill to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised*

a. Report number and date.—Senate Report No. 107–160.

b. Summary of measure.—H.R. 577 was introduced by Representative John Duncan from Tennessee on February 12, 2001. This bill is similar to H.R. 3239, which Representative Duncan introduced in the 106th Congress. The purpose of H.R. 577 is to ensure that fundraising for Presidential libraries occurs in the open, free from possible conflicts of interest and the appearance of impropriety. H.R. 577 would require any organization that is raising funds for a Presidential archival depository to make public the sources and amounts of any funds received for the depository's creation. The bill was amended to require disclosure of donations amounting to \$200 or more per year while a President holds office and \$5,000 or more after the President has left office and the Presidential depository becomes the responsibility of the National Archives and Records Administration.

c. Legislative status.—On May 8, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 577, as amended, by a unanimous voice vote and referred the legislation to the full committee. On May 15, 2001, the full committee approved H.R. 577 by voice vote with an additional amendment, which expanded the provisions of the bill to include organizations operating under section 501(c) of the Internal Revenue Code of 1986 if the organization is named after or controlled by a Federal elected official who is currently holding office. On February 2, 2002, H.R. 577 passed the House of Representatives with amendment under suspension of the rules. On June 11, 2002, the Senate Committee on Governmental Affairs favorably reported H.R. 577 to the Senate without amendment.

d. Hearings.—“H.R. 577, a Bill to Require any Organization that is Established for the Purpose of Raising Funds for the Creation of a Presidential Archival Depository to Disclose the Sources and Amounts of any Funds Raised,” April 5, 2001.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *H.R. 3924, to authorize telecommuting for Federal contractors*

a. Report number and date.—None.

b. Summary of measure.—H.R. 3924 is non-controversial bill that would prohibit agencies from issuing solicitations that would disqualify a contractor that utilizes telecommuting for its workforce. It would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor’s proposal if that contractor utilizes telecommuting. An exception would be made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception may apply if a contractor deals with classified or sensitive information.

c. Legislative status.—H.R. 3924 was introduced on March 12, 2002. It passed in the House of Representatives on March 20, 2002, by a vote of 421–0 (Roll No. 71). The bill was sent to the Senate on March 21, 2002, where it was referred to the Committee on Governmental Affairs.

d. Hearings.—The Subcommittee on Technology and Procurement Policy held hearings on March 22, 2001, and September 6, 2001, to examine and monitor the progress of Federal Government agencies’ efforts to develop and manage telecommuting programs. The hearings revealed that while the private sector is advancing with its telework policies and reaping the benefits of increased productivity, job satisfaction, and employee morale, Federal agencies have been reluctant to embrace the concept. Additionally, several barriers to telecommuting were identified, including distrust among Federal managers who are concerned that permitting employees to work outside of the traditional office setting will decrease their level of productivity. This apprehension of telecommuting programs extends to the government procurement arena as well. Contracting officers are often reluctant to consider contract proposals from companies that will employ telecommuters to perform the work. As a result, Congressman Tom Davis introduced H.R. 3924, the Freedom to Telecommute Act of 2002, to address this concern.

The Committee on Government Reform held a business meeting on March 14, 2002 to consider H.R. 3924. The committee, by voice vote, approved reporting H.R. 3924 without amendment to the full House.

2. *H.R. 3925, the Digital Tech Corps Act of 2002*

a. Report number and date.—Report No. 107–379, Part I, March 18, 2002.

b. Summary of measure.—H.R. 3925, the Digital Tech Corps Act of 2002, introduced by Congressman Tom Davis (VA), provides for

the exchange of talented mid-level staff between leading-edge private sector organizations and government agencies engaged in best practices. The time period for this exchange is limited to 6 to 12 months with an optional 1-year extension (maximum of 2 years). Federal employees participating in the program are required to fulfill service commitments to their agencies after participation in the program, and all participants must adhere to strict Federal employee ethics rules. Employees retain pay and benefits from their respective employers while on assignment in the Digital Tech Corps. This type of public-private exchange program will allow for greater knowledge transfer and cross-pollination of ideas, cultures, and processes between the public and private sectors. The act is expected to foster greater innovation and partnership for government and industry.

c. Legislative status.—H.R. 3925 was introduced on March 12, 2002. On March 14, 2002, the Committee on Government Reform held a business meeting and favorably reported the bill. On April 10, 2002, H.R. 3925 passed in the House of Representatives by voice vote. The bill was sent to the Senate on April 11, 2002, where it was referred to the Committee on Governmental Affairs. Similar provisions were included in the E-Government Act, H.R. 2458, which was signed into law.

d. Hearings.—The Digital Tech Corps concept was first introduced in 2001 as H.R. 2678, the Digital Tech Corps Act of 2001. On July 31, 2001, the Subcommittee on Technology and Procurement Policy of the Committee on Government Reform held a hearing entitled, “Public Service for the 21st Century: Innovative Solutions to the Federal Government’s Technology Workforce Crisis,” which included an examination of the potential benefits of a Digital Tech Corps program.

On March 7, 2002, the Subcommittee on Technology and Procurement Policy held a hearing entitled, “H.R. 3832, The Services Acquisition Reform Act of 2002 [SARA].” The SARA bill’s section 103 contains an exchange program for acquisition workforce that is modeled after the Digital Tech Corps for the IT workforce.

Finally, the committee held a business meeting on March 14, 2002, and favorably reported the Digital Tech Corps Act of 2002, H.R. 3925. Subcommittee Chairman Tom Davis authored the legislation.

C. LEGISLATION REPORTED BY THE COMMITTEE OR SUBCOMMITTEE

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. H.R. 2995, *The District of Columbia Fiscal Integrity Act of 2001*

a. Report number and date.—None.

b. Summary of measure.—When Congress created the District of Columbia Financial Responsibility and Management Assistance Authority (the Control Board) in 1995, it also established the post of chief financial officer [CFO] for the District of Columbia. With the Control Board expiring on September 30, 2001, city officials and Members of Congress sought legislation to maintain the chief

financial officer as the primary fiscal watchdog for the District of Columbia. H.R. 2995 would establish a 2-year transition period after the end of the Control Board, during which the CFO would continue to have broad powers over his own office and deputies in matters of personnel and procurement and would continue to prepare fiscal impact statements on all pieces of city legislation. The legislation also requires the establishment of an “early-warning system” designed to give city and congressional officials a better long-term picture of the District’s financial health and to identify potential fiscal problems. Finally, H.R. 2995 would, beginning in fiscal year 2004, give the District of Columbia full autonomy over its own, locally-generated revenues.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on October 2, 2001 and referred to House Committee on Government Reform. Forwarded by District of Columbia Subcommittee to full committee on November 15, 2001.

d. Hearings.—“The Outlook for the District of Columbia Government: The Post-Control Board Period,” June 8, 2001, joint hearing with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia.

2. *H. Res. 125, Re-open Pennsylvania Avenue to Traffic resolution*

a. Report number and date.—None.

b. Summary of measure.—Expresses the sense of the House of Representatives that the National Capital Planning Commission should adopt, and the President should implement, a plan to permanently re-open Pennsylvania Avenue in front of the White House while maintaining adequate security for the President, First Family, White House staff and visitors.

c. Legislative status.—Introduced by Subcommittee Chairwoman Connie Morella on April 26, 2001 and referred to House Committee on Government Reform. Forwarded from District of Columbia Subcommittee to full committee by unanimous consent on June 26, 2001. Reported by Government Reform Committee on July 25, 2001.

d. Hearings.—“America’s Main Street: The Future of Pennsylvania Avenue,” March 21, 2001.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *H.R. 583, a bill to establish the Commission for the Comprehensive Study of Privacy Protection*

a. Report number and date.—None.

b. Summary of measure.—H.R. 583 was introduced by Representative Asa Hutchinson from Arkansas on February 13, 2001. This bill would establish an 18-month, 17-member commission to study and report to Congress and the President on issues relating to the protection of individual privacy and the balance to be achieved between protecting such privacy and allowing for appropriate uses of information. The bill requires the commission to conduct at least

two hearings in each of the Nation's five geographical regions. H.R. 583 is similar to H.R. 4049, introduced by Representative Hutchinson in the 106th Congress. During the 106th Congress, the Subcommittee on Government Management, Information, and Technology, chaired by Representative Stephen Horn, held three legislative hearings on the bill on April 12, 2000, May 15, 2000 and May 16, 2000. The subcommittee subsequently marked up H.R. 4049 and forwarded it to the full committee on June 14, 2000. The full committee marked up H.R. 4049, with amendments, on June 29, 2000, and ordered it to be reported to the full House. On October 2, 2000, the full House considered the bill, as amended, under suspension of the rules. On motion to suspend the rules and pass the bill, as amended, the bill received a favorable vote of 250 to 146. However, it failed to receive the two-thirds vote necessary for passage.

c. Legislative status.—On May 8, 2001, the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations approved H.R. 583 by a 4 to 1 vote and referred the legislation to the full committee.

d. Hearings.—None.

2. H.R. 1152, *The Human Rights Information Act*

a. Report number and date.—The Committee on Government Reform did not issue a report. The Senate Governmental Affairs Committee issued Senate Report 107–160 on June 11, 2002.

b. Summary of measure.—H.R. 1152 was introduced by Representative Tom Lantos from California on March 21, 2001. This bill requires certain Federal agencies to identify all human rights records for declassification and public disclosure if the President determines an individual or entity carrying out an official mandate to investigate a pattern of gross violations of internationally recognized human rights has made a bona fide request for the records. H.R. 1152 prescribes guidelines under which the Interagency Security Classification Appeals Panel shall review agency determinations to postpone disclosure of any human rights record. The bill authorizes postponement of such public disclosures on specified grounds. Finally, H.R. 1152 requires each Federal agency to identify, review and organize all human rights records regarding activities that occurred in Guatemala and Honduras for declassification and public disclosure. During the 105th Congress, Representative Lantos introduced a similar bill, H.R. 2635, the “Human Rights Information Act.” The Subcommittee on Government Management, Information, and Technology, chaired by Representative Horn, held a legislative hearing on that bill on May 11, 1998. The hearing was entitled, “Access to Government Information, and H.R. 2635, The Human Rights Information Act.” On September 28, 1998, the subcommittee approved H.R. 2635, as amended, by a voice vote and referred the legislation to the full committee. During the 106th Congress, Representative Lantos introduced a similar version of the bill, H.R. 1625, the “Human Rights Information Act.” On April 5, 2000, the subcommittee approved H.R. 1625 by a voice vote and referred the legislation to the full committee.

c. Legislative status.—On September 17, 2002, the Subcommittee on Government Efficiency, Financial Management and Intergovern-

mental Relations approved H.R. 1152, as amended, unanimously by voice vote and referred the legislation to the full committee.

d. Hearings.—None.

3. *H.R. 4187, the Presidential Records Act of 2002*

a. Report number and date.—House Report No. 107–790, November 22, 2002.

b. Summary of measure.—H.R. 4187 would amend the Presidential Records Act of 1978 to establish a process whereby incumbent and former Presidents could, within specified time limits, review records prior to their public release under the act and determine whether to assert Constitutional privilege claims against release of the records. The bill would supersede Executive Order 13233, which establishes a non-statutory process for review of Presidential records and assertion of privilege claims.

c. Legislative status.—H.R. 4187 was introduced by Representative Steve Horn on April 11, 2002, and referred to the House Committee on Government Reform. On October 9, 2002, the committee approved the bill, with amendments, by voice vote.

d. Hearings.—“*The Implementation of the Presidential Records Act of 1978,*” November 6, 2001; “*The Importance of Access to Presidential Records: The Views of Historians,*” April 11, 2002; and, “*H.R. 4187, the Presidential Records Act Amendments of 2002,*” April 24, 2002.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *H.R. 3947, Federal Property Asset Management Reform Act of 2002*

a. Report number and date.—None.

b. Summary of measure.—Reforming Federal property management is one of the key components of the President’s Freedom to Manage initiative. A number of the Administration’s property reform proposals have been incorporated into H.R. 3947, the “Federal Property Asset Management Reform Act of 2002,” introduced by Representative Pete Sessions (TX) and cosponsored by Representative Tom Davis (VA) and the chairman of the Committee on Government Reform Dan Burton (IN). The bill would provide Federal departments and agencies with new authorities and incentives to manage their real and personal property assets. For example, the bill would authorize Federal agencies to exchange or transfer property with other Federal agencies and enter into agreements with non-Federal entities to exchange or sell property as a means of acquiring replacement property better suited for mission purposes. As an incentive to better property management, agencies would be authorized to retain proceeds from the sale of real property and use the funds to meet their capital asset needs. In addition, the bill would authorize agencies to sublease unexpired portions of Government-leased property and to lease assets that must remain in Federal ownership. The bill would also authorize Federal agencies to enlist private sector capital and expertise in public-private partnership ventures to develop or improve Federal real property.

c. Legislative status.—March 12, 2002, referred to the Committee on Government Reform. March 14, 2002, Mark-up session held. Ordered to be reported by voice vote.

d. Hearings.—The Committee on Government Reform conducted hearings during the 106th and 107th Congresses to examine legislative proposals for Federal property management reform. The following description reflects the committee's progress in identifying the greatest obstacles facing the Federal Government property management and the legislative actions that have been pursued to remedy them.

107th Congress

On October 1, 2001, the committee's Subcommittee on Technology and Procurement Policy held an oversight hearing to examine a related proposal H.R. 2710, the "Federal Asset Management Improvement Act of 2001," also introduced by Representative Sessions.⁴ H.R. 2710 would authorize agencies to enter into public-private partnerships to leverage private sector capital to redevelop or improve Federal buildings. The subcommittee heard from a number of real estate experts from both the Federal Government and private sector including representatives of the General Accounting Office and General Services Administration.

106th Congress

During the 106th Congress, the Committee on Government Reform's Subcommittee on Government Management, Information, and Technology chaired by Congressman Stephen Horn (CA) conducted two hearings to assess the Government's stewardship of real property assets and to consider legislative proposals to improve management of the Government's real property portfolio. On April 29, 1999, the subcommittee held a hearing jointly with the Committee on Transportation's Public Buildings Subcommittee entitled, "Federal Real Property Management: Obstacles and Innovative Approaches to Effective Property Management."⁵ The subcommittees heard from witnesses who addressed property management issues and identified the obstacles and innovative approaches to more effective real property management within the Federal Government.

At a July 12, 2000, hearing, the subcommittee examined the merits of two legislative proposals to reform the Federal Government's approach to property management.⁶ These proposals contained a number provisions that are included in H.R. 3947. One proposal contained provisions that were developed by the General Services Administration in collaboration with other departments

⁴*The Potential Benefits of Public-Private Partnerships as a Real Property Management Tool*, hearing of the Subcommittee on Technology and Procurement Policy of the Committee on Government Reform, Oct. 1, 2001.

⁵*Federal Real Property Management: Obstacles and Innovative Approaches to Effective Property Management*, joint hearing before the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation of the Committee on Transportation and Infrastructure. 106th Cong., 1st sess., Apr. 29, 1999, Serial No. 106-86.

⁶*Legislative Proposals to Reform the Government's Approach to Property Management: S. 2805, the "Federal Property Asset Management Reform Act," and H.R. 3285, the "Federal Asset Management Improvement Act,"* hearing before the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform, 106th Cong., 2d sess., July 12, 2000, Serial No. 106-237.

and agencies. That bill would have provided Federal departments and agencies with incentives and flexibility to manage their real and personal property assets.

The second proposal, H.R. 3285, the “Asset Management Improvement Act of 1999,” introduced by Congressman Sessions, would have amended the Property Act to authorize the General Services Administration or other agencies under delegated authority to enlist private-sector capital and expertise in public-private partnerships to develop or improve Federal real property.

March 14, 2002, Committee Business Meeting

The committee held a business meeting on March 14, 2002, to consider H.R. 3947. The bill, with four amendments offered by the committee ranking minority member, Henry Waxman (CA), was unanimously ordered reported by a voice vote. The first amendment offered by Congressman Waxman would require an agency to solicit input from the local community prior to utilizing one of the property management authorities. The second amendment would give the Administrator of General Services the authority to review and reject an agency’s proposal for the use of an enhanced asset management tool. The third amendment would require agencies to comply with local and nationally recognized building codes and zoning laws when using an enhanced asset management tool. Congressman Waxman’s fourth amendment would prevent the Department of Veterans Affairs from using an enhanced asset management tool on or disposing of two VA properties located in and near Los Angeles, CA.

II. Oversight Activities

A. COMMITTEE REPORTS

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *“Justice Undone: Clemency Decisions in the Clinton White House,” House Report No. 107-454, May 14, 2002, Second Report by the Committee on Government Reform, together with Minority and Additional Views*

a. Summary.—This report detailed the committee’s findings and conclusions in its investigation into President Clinton’s grant of executive clemency to, among others, fugitive financier Marc Rich, drug dealer Carlos Vignali, and drug money launderer Harvey Weinig. Despite the fact that the President enjoys the Constitutional authority to grant clemency to anyone he chooses, President Clinton’s grants of clemency to these petitioners raised serious questions. Many of these clemency petitions related to the largest, most significant convictions of their kind at the time. In almost every case, the Justice Department Pardon Attorney and the U.S. Attorneys who convicted the petitioners strenuously opposed these petitions. In all of the cases the committee reviewed, the petitioners improperly used individuals with close personal relationships with President Clinton and his staff to lobby the administration about their petitions. In some cases, those individuals misled the administration about significant aspects of those petitions. Also, in each of these cases, members of the First Family, namely Roger Clinton, Hugh Rodham and Tony Rodham, sought to gain financially by lobbying the President on behalf of their clients. The report described the convictions underlying each clemency petition, the process leading up to each clemency offer, and the actual grant of clemency of each petitioner. Some of the targets of the committee’s investigation asserted their right against self-incrimination.

The committee’s investigation outlined the clemency process generally and provided insight into these particular grants of clemency to the American public. The committee uncovered significant aspects of the clemency process at the end of the Clinton administration which would have gone unreported if not for the committee’s investigation. The committee hopes that by focusing scrutiny on these grants of clemency by President Clinton, that the clemency process will not be abused again. In addition, as a result of the committee’s investigation, Chairman Burton drafted and introduced the Clemency Lobbying Disclosure Act, to require individuals lobbying for executive clemency to register as lobbyists, and disclose their contacts with the administration.

The committee held hearings entitled, "The Controversial Pardon of International Fugitive Marc Rich," Days 1 and 2, February 8 and March 1, 2001.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *"Federal Law Enforcement at the Borders and Ports of Entry: Challenges and Solutions," House Report No. 107-794, Eighth Report by the Committee on Government Reform*

a. *Summary.*—The subcommittee's preliminary report on Northern and Southern border issues identified significant needs for modernization, increased resources, and improved coordination and integration among America's border agencies. The report, which followed an extensive series of field hearings and committee visits at ports of entry across the Northern and Southern borders of the United States, was a comprehensive one intended to begin a full review of all current border management issues. Agencies involved included the U.S. Customs Service, the Immigration and Naturalization Service and Border Patrol, and the U.S. Coast Guard.

The subcommittee conducted an in-depth study of the borders and ports of entry, the commerce and traffic through them, and the operations of the law enforcement agencies that protect them. In addition to providing extensive background on border issues, the report sought to address two key questions: First, how to balance the need for increased security against the need to facilitate legitimate trade and travel; second, how to allocate and organize limited law enforcement resources to maximize border security against catastrophic terrorist attack, illegal narcotics, and illegal aliens.

Among other issues, the report reviewed the significant challenges posed on America's northern border, which in many areas is virtually unguarded, problems with computer databases in virtually all border agencies, and the implications which changes after the September 11th attacks had on trade as well as the workload of border inspectors. The subcommittee also reviewed lapses in the border security network which could currently be exploited by criminals and terrorists and the implications of the border and increased enforcement on local residents of border areas.

The report made the following major recommendations:

a. Combine law enforcement agencies into a new Department of Homeland Security, but not at the expense of other vital missions such as drug interdiction.

b. Increase the number and intensity of inspections in a manner consistent with preserving commerce.

c. Increase the number of qualified and trained inspection agents at the border.

d. Shift cargo inspections away from the ports of entry to foreign points of origin.

e. Expand "fastpass" systems for those who frequently cross the borders.

f. Upgrade and integrate border law enforcement databases and automated systems.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, Chairman

1. *“Problems with the Presidential Gifts System,” House Report No. 107-768, October 28, 2002, Seventh Report by the Committee on Government Reform, together with Minority and Additional Views*

a. *Summary.*—Several laws, involving six Federal offices and agencies, govern the current system for the receipt, valuation, and disposition of Presidential gifts. Consequently, no single agency is ultimately responsible for tracking Presidential gifts.

In early 2001, there were numerous press accounts regarding President Clinton’s decision to accept close to \$200,000 in gifts during his final year in office, as revealed in his last financial disclosure report. There was also a great deal of press attention focused on furniture gifts returned by the Clintons to the White House residence. To prevent future abuses, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs spent 11 months conducting oversight and gathering empirical data. The subcommittee investigated how the current system works and what legislative changes, if any, are needed to prevent future abuses of the Presidential gifts process.

In March 2001, Subcommittee Chairman Ose introduced H.R. 1081, “Accountability for Presidential Gifts Act.” This bill establishes responsibility in one agency for the receipt, valuation and disposition of Presidential gifts.

On February 12, 2002, the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing entitled, “Accountability for Presidential Gifts.” At the hearing, the subcommittee released a 55-page document summarizing its findings. The subcommittee identified a host of problems with the Presidential gifts system, such as consistently undervalued gifts and questionable White House counsel rulings. Since the current system is subject to abuse and political interference, there is a need for centralized accountability in one agency staffed by career employees. On June 18, 2002, the Government Reform Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations held a hearing on H.R. 1081.

The House report summarizes how the current system works, the investigation and findings, and recommendations made in both hearings. Subheadings in the Report reveal some of the problems with the Presidential gifts system. They include: Non-Competitive Hiring of Political Appointee for Career Job, Some Gifts Over the Reporting Threshold Were Not Disclosed, Some Gifts Were Solicited, Many Gifts Were Undervalued, Some Gifts Were Not Included in the White House Database, Some Gifts Were Lost, Questionable White House Counsel Rulings, Some U.S. Property Was Taken, Most Furniture Gifts Were Coordinated, Some Gift Certificates Were Accepted, and Huge Gifts to the Presidential Library.

The American people have the right to know what gifts were received and retained by their President. The current system is clearly broken and needs to be fixed. Public servants, including the

President, should not be able to enrich themselves with lavish gifts. Donors should receive no unfair advantage in the policymaking process or other governmental benefits.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *“A Citizen’s Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records,” House Report No. 107-371, March 12, 2002. First Report by the Committee on Government Reform*

a. Summary.—The Freedom of Information Act [FOIA], enacted in 1966, presumes that records of the executive branch of the Federal Government are accessible to the public. The Privacy Act of 1974, a companion to FOIA, regulates Government agency record-keeping and disclosure practices. FOIA provides that citizens have access to Federal Government files with certain restrictions. The Privacy Act provides certain privacy safeguards over personal information collected by Federal agencies and permits individuals to see most Federal records that pertain to them.

“A Citizen’s Guide to Using the Freedom of Information Act and Privacy Act of 1974 to Request Government Records,” explains how to use the two laws and serves as a guide to obtaining information from Federal agencies. The complete texts of the Freedom of Information Act, as amended (5 U.S.C. 552), and the Privacy Act, as amended (5 U.S.C. 552a), are reprinted in the committee report. Federal agencies use the Citizen’s Guide in training programs for Government employees who are responsible for administering FOIA and the Privacy Act of 1974. The guide enables those who are unfamiliar with the laws to understand the process and to make requests. The Government Printing Office and Federal agencies subject to FOIA and the Privacy Act of 1974 distribute this report widely.

2. *“Making Federal Computers Secure: Overseeing Effective Information Security Management,” House Report No. 107-764, October 24, 2002. Third Report by the Committee on Government Reform*

a. Summary.—Federal agencies rely extensively on computerized systems and electronic data to support operations that are essential to the health and well being of all Americans. Critical Government systems, from national defense and emergency services to tax collection and benefit payments, rely on electronically stored information and automated systems. Maintaining adequate security over these systems and the electronic data stored in them is essential to maintaining the continuity of the Government’s critical operations. Security measures must prevent data tampering, fraud, sabotage and the inappropriate disclosure of sensitive information. Nevertheless, independent audits and evaluations continue to show that most Federal departments and agencies have pervasive weaknesses in their computer security programs that pose serious risks to these critical automated systems.

The subcommittee convened five oversight hearings to examine the challenges and problems involved with Federal computer security. These hearings explored the extent of potential threats to Government operations posed by computer viruses and worms; the likelihood of cyber attacks against the Nation's information infrastructure; the status of efforts at major executive branch departments and agencies to strengthen the security of their critical computer operations and assets; lessons learned from the Government Information Security Reform Act of 2000; and the need to reauthorize and strengthen the Government Information Security Reform Act.

Based on these hearings, GAO audits, Inspector General evaluations, and OMB reports, the committee made the following findings:

1. Agencies are not conducting periodic risk assessments.
2. Federal computer systems have significant and pervasive weaknesses in security controls.
3. Federal information technology systems rely on commercial software that is vulnerable to attack.
4. Agencies' Capital Planning and Investment Control processes do not include information technology security.
5. Congress does not have consistent and timely access to the information it needs to fulfill its oversight responsibilities for Federal information security and related budget deliberations.

The committee made the following recommendations in this report:

1. The Government Information Security Reform Act of 2000 should be strengthened and made permanent.
2. Sustained congressional oversight is needed.
3. Agency funding should be tied to the implementation of effective computer security plans and procedures.
4. Congress should encourage the administration to set minimum security standards for commercial off-the-shelf software that is purchased by Federal agencies.

This report includes a discussion of the methodology used for grading as well as the grades that the subcommittee issued in its 2001 Computer Security Report Card for the Government's 24 major departments and agencies. After this report was published, this subcommittee issued its 2002 Computer Security Report Card. Although there was a great deal of improvement, the overall grade for the Government was an F for the third straight year. For information about the 2002 Computer Security Report Card, see the summary of the subcommittee's oversight hearing held on November 19, 2002, entitled, "Computer Security in the Federal Government: How Do the Agencies Rate?"

3. *"The Federal Government's Continuing Efforts To Improve Financial Management," House Report No. 107-765, October 24, 2002. Fourth Report by the Committee on Government Reform*

a. Summary.—This report deals with one of the subcommittee's key jurisdictions—the Federal Government's continuing efforts to improve its financial management. The report, which followed a series of hearings over the last year on Federal financial management, identifies key areas where agencies must improve. Agencies struggle to earn clean opinions from their annual audited financial

statements; integrate their financial systems; and implement effective internal controls to prevent fraud, waste and abuse. The report also includes the subcommittee's fifth annual financial management scorecard. The Federal Government earned an overall grade of D, with most agencies earning a grade of "D" or "F."

Of the 24 CFO Act agencies, 18 received clean opinions on their fiscal year 2001 annual audited financial statements, yet the Federal Government as a whole received a "disclaimer" audit opinion for the 5th consecutive year, largely due to the Department of Defense's extraordinarily poor financial management. A significant number of material weaknesses related to financial systems, fundamental recordkeeping and financial reporting, and incomplete documentation is caused primarily by the lack of sound financial systems needed to manage affairs on a day-to-day basis, evaluate program performance and ensure accountability.

Despite some progress, financial management improvement in the Federal Government has a long way to go. Although the Federal Government's financial management problems are deep-seated and severe, they are also solvable. Congressional oversight committees, the GAO and agency Inspectors General have proposed hundreds of specific recommendations for solutions. The OMB and the agencies themselves clearly recognize the root causes of the problems and their solutions. The current administration has demonstrated unprecedented leadership and commitment to overcoming the Federal Government's chronic financial management woes. Sustained cooperation among stakeholders can resolve these long-standing problems.

The report made the following recommendations:

1. A sustained leadership commitment and persistent follow-up by executive branch agency heads and Congress are needed in order to improve the Government's financial management.
2. The administration and Congress must provide the necessary resources to replace or re-engineer dysfunctional financial systems.
3. Agencies should establish results-oriented and measurable performance goals for financial management improvements. Incentives and designation of accountability will aid in achieving these goals.
4. Congress should approve H.R. 4878, the "Improper Payments Information Act of 2002," which requires agencies to identify systematically areas in which they are vulnerable to making erroneous payments and to report on the steps they are taking to reduce these vulnerabilities. In addition, Congress should approve H.R. 4685, the "Accountability of Tax Dollars Act of 2002," which extends the requirement for audited annual financial statements to most executive branch agencies.
5. The administration, the OMB and executive branch agencies must follow through in implementing the financial management improvement initiatives of the President's Management Agenda. In particular, the OMB needs to follow through on its financial management scorecard by periodically updating its evaluations in an objective and transparent manner, and

improve its guidance for evaluating agency compliance to the Federal Financial Management Improvement Act.

6. The GAO, Inspectors General and congressional committees should vigorously pursue their independent auditing and oversight of agencies' efforts to improve financial management. This oversight should include an examination of agencies' success in meeting the criteria contained in the President's Management Agenda and the OMB scorecard.

4. *"How Can the Federal Government Better Assist State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?" House Report No. 107-766, October 24, 2002. Fifth Report by the Committee on Government Reform*

a. *Summary.*—The terrorist attacks of September 11th clearly demonstrated the need for reliable communications systems and the rapid deployment of well-trained, well-equipped emergency personnel. Yet despite billions of dollars in Federal spending toward that goal, there remain serious doubts as to whether the Nation is adequately prepared to withstand a massive chemical, biological or nuclear attack.

To gain a better understanding of the effectiveness of Federal assistance to State and local governments in this effort, the subcommittee conducted a series of 11 field hearings in U.S. cities of varying size and demographics. The hearings focused on the needs of first responders—the firefighters, police officers, medical personnel and emergency management officials who are responsible for protecting their communities. Although many issues were raised, first responders said that their greatest concerns involve:

1. The lack of interoperable communications systems among local, regional and Federal agencies;
2. the inadequacy of the health care system to handle a large influx of victims;
3. the need for fast, reliable intelligence sharing; and
4. the need for national guidelines, standards and best practices for emergency planning.

In addition, first responders said the Federal Government could provide more effective assistance if: (1) there were more flexibility built into Federal funding programs; (2) the Federal Government had a single point of contact to apply for Federal grants and awards and training programs; and (3) the Federal Government encouraged more fully a regional, all-hazards approach to emergency preparedness.

This report discusses those concerns and recommends the following actions:

1. The Federal Government must re-examine ways to bolster the Nation's public health system.
2. The Federal Government needs to develop emergency management guidelines and best practices for local, State and regional governments.
3. The Federal Government should establish a single point of contact in the Federal system for homeland security grants and other related funding.
4. The Federal Government should insist on working agreements among local governments, health officials, the Depart-

ment of Defense, and the Department of Veterans Affairs to provide additional medical facilities in catastrophic situations.

5. The Federal Government needs to assist local and State governments in procuring new technologies.

6. Working with State and local governments, the Federal Government must move quickly to provide guidance standards and best practices for emergency management responders.

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND
INTERNATIONAL RELATIONS

Hon. Christopher Shays, *Chairman*

1. “*Defense Security Service: The Personnel Security Investigations Backlog Poses a Threat to National Security*,” *Sixth Report (House Report 107-767)*

a. Summary.—The subcommittee conducted an oversight investigation of the Defense Security Service [DSS] to determine the reasons behind a growing personnel security investigations [PSI] backlog. Personnel security investigations are conducted to determine whether an individual should be granted access to classified information. This is a critical first step in safeguarding the Nation’s secrets.

Based on the testimony and documentary record, the subcommittee concludes lax oversight of DSS by the Office of the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (OASD-C3I) contributed directly to the degradation of DSS productivity and effectiveness.

The backlog was a result in large part due to DSS mismanagement, CCMS malfunctions, and the inability of OASD-C3I and DSS to keep pace with changing personnel security clearance criteria and Presidential directives.

The report contained the following findings:

1. The Defense Security Service cannot accurately determine the size or forecast the elimination of the personnel security investigations backlog.
2. There was a lack of management oversight of the Defense Security Service by the Department of Defense [DOD] that contributed to a backlog of personnel security investigations.
3. Acquisition of the Case Control Management System [CCMS] and the Joint Personnel Adjudication System [JPAS] did not comply with the requirements of the Clinger-Cohen Act and may not provide effective caseload management.
4. There are no common standards for investigating and adjudicating a personnel security clearance in a timely manner.
5. Defense Security Service and the Office of Personnel Management [OPM] personnel security clearance investigators have difficulty accessing State and local criminal history record information [CHRI].

Based on these findings, the report contained the following recommendations:

1. The Secretary of Defense should continue to report the personnel security investigations program including the adju-

- dicative process as a material weakness under the Federal Managers' Financial Integrity Act to ensure needed oversight is provided to effectively manage and monitor the personnel security process from start to finish.
2. The Secretary of Defense should set priorities and control the flow of personnel security investigation requests for all DOD components.
 3. The Secretary of Defense should closely monitor the interface between JPAS and CCMS to ensure effective management of investigative and adjudicative cases and avoid further backlogs.
 4. The National Security Council should promulgate Federal standards for investigating and adjudicating personnel security clearances in a timely manner.
 5. The Secretary of Defense and the Attorney General jointly should develop a system which allows DSS and OPM investigators access to State and local criminal history information records [CHIR].

The subcommittee examination into the backlog of personnel security investigations allowed senior DOD officials to focus attention on the PSI backlog problem. As a result, DOD developed a plan for the elimination of the backlog and set performance expectations for the personnel security investigative process and for the case control management system.

B. OVERSIGHT HEARINGS

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. *"The Controversial Pardon of International Fugitive Marc Rich," Day 1, February 8, 2001*

a. Summary.—Testifying at this hearing was Jack Quinn, attorney for Marc Rich, Morris "Sandy" Weinberg, former Assistant U.S. Attorney, Martin Auerbach, former Assistant U.S. Attorney, and Eric Holder, former Deputy Attorney General. The witnesses were first questioned about the background of Marc Rich, and whether he was a suitable candidate for a pardon. Weinberg and Auerbach detailed the history of the criminal investigation of Marc Rich, and testified that they believed that Rich was completely unsuited for a Presidential pardon. They believed that Rich had committed serious crimes, and was a fugitive from justice. Jack Quinn, who lobbied the Clinton White House for Rich's pardon, testified regarding his efforts to win the Rich pardon. Quinn had a number of contacts with senior White House staff and President Clinton regarding the Rich case. He had this access as a result of having been counsel to the President earlier in the Clinton administration. Quinn testified that he did not believe Rich was a fugitive, and believed that a pardon was the only way to resolve the Rich case.

Quinn and former Deputy Attorney General Eric Holder were questioned regarding the Justice Department's role in the Rich pardon. The Justice Department was never formally consulted by the White House, and the prosecutors responsible for the case did not know the pardon was being considered until after it was granted.

Quinn testified that he notified Holder that he would be submitting the Rich pardon application directly to the White House, and that Holder did not object to his plan. For his part, Holder testified that while he was aware of Quinn's efforts to obtain the pardon, he did not think that it would succeed. Holder was also questioned regarding his input on the pardon. During the last day of the Clinton administration, White House Counsel Beth Nolan asked Holder for his position on the Rich pardon, and he stated that he was "neutral, leaning toward favorable" on the pardon. Holder took this position despite the fact that he knew little about the case, other than the fact that Rich was a wanted fugitive.

2. *"Special Education: Is IDEA Working as Congress Intended?"*
February 28, 2001

a. *Summary.*—During the 106th Congress, the Committee on Government Reform initiated an investigation looking at the dramatic rise in autism rates. Government sources in the past have estimated that autism rates used to be 1 in 10,000 children. These rates have risen to a current national average of 1 in 500 children. The investigation to date has focused on three issues: (1) concerns that childhood vaccines, including those containing thimerosal (mercury) may be linked to increased rates of autism spectrum disorders, pervasive developmental disorder, and speech and learning delays; (2) the level of research looking at the causes of, and treatments for, autism; and (3) the challenges of providing a "free and appropriate" education to individuals with autistic spectrum disorders. This hearing offered a review of the implementation of the 1997 Amendments to the Individuals with Disabilities Act, using the experiences of families with autistic children as the example to evaluate if the program was working as Congress intended.

In the creation of laws to provide a public education to individuals with disabilities, Congress sought to develop a program in which the Federal, State and local governments would share additional expenses incurred for educating children with disabilities. Congress determined that the Federal Government should contribute up to 40 percent of the average per pupil expenditure of educating children with disabilities. However, to date, the Federal Government has never contributed more than 14.9 percent. President George W. Bush, with the introduction of his Education Blueprint, stated: "The federal role in education is not to serve the system. It is to serve the children." The President's blueprint offers four objectives: increasing accountability for student performance, improving student performance, reducing bureaucracy and increasing flexibility, and empowering parents.

The committee received more than 2,500 letters from parents, educators, administrators, and disability-related organizations regarding the implementation of the Amendments to the Individuals with Disabilities Education Act of 1997 [IDEA] [Public Law 105-7]. A majority of the responders felt the program was not being properly implemented. Most asked that the Federal Government fully-fund IDEA. Concerns raised by the majority of responders include children with disabilities being "warehoused," or placed in classes in which they were not intellectually challenged; the need for accountability of schools that do not comply with the law; the

financial burden on local school districts for providing services to a sharply increasing number of children without additional Federal resources (for example, in the last school year in Indiana, requests for Special Education services went up 25 percent); the shortage of properly trained teachers, aides, and therapists; the failure of schools to fully inform parents of their rights under the law; the difficulties in coming to a timely consensus between schools and families on the Individual Education Plan [IEP] for children; the failure of schools to comply with established IEPs; and the concerns about school districts that hire outside counsel at taxpayer expense to take unresolved IDEA/IEP issues to court. During the hearing, the committee received testimony from parents, attorneys who are involved in litigation, local educators and administrators, and the Department of Education.

3. *“The Controversial Pardon of International Fugitive Marc Rich,” Day 2, March 1, 2001*

a. *Summary.*—Testifying at this hearing were former DNC Finance Chair Beth Dozoretz, former White House Counsel Beth Nolan, former Deputy White House Counsel Bruce Lindsey, former White House Chief of Staff John Podesta, Marc Rich lawyers Jack Quinn, Robert Fink, and Peter Kadzik, and former Marc Rich lawyer I. Lewis “Scooter” Libby.

Documents and other information obtained by the committee indicated that Beth Dozoretz was involved in both lobbying the President for the Rich pardon, and soliciting contributions to the DNC and Clinton Presidential Library from Marc Rich’s ex-wife, Denise Rich. Given these facts, the committee had a number of questions for Dozoretz regarding the influence that these financial factors might have played in the consideration of the Marc Rich pardon. Rather than answer any questions from the committee, Dozoretz invoked her fifth amendment rights against self-incrimination.

Jack Quinn, Beth Nolan, Bruce Lindsey, and John Podesta were questioned regarding the consideration of the Rich pardon at the White House. Nolan, Lindsey, and Podesta all testified that they were strongly opposed to the Rich pardon, but that the President granted the pardon despite their advice. They were also questioned regarding other controversial pardons and commutations, including those of Carlos Vignali, Edgar and Vonna Jo Gregory, and pardons lobbied for by Roger Clinton.

Fink, Kadzik, and Libby were questioned regarding their efforts on behalf of Marc Rich. Fink described his role in helping Rich obtain the pardon, including the hiring of Jack Quinn. Kadzik explained his role in lobbying his friend and client John Podesta. Libby was questioned regarding his role in the Rich case, which predated any effort to obtain a pardon, and was instead limited to efforts to settle Rich’s criminal case with prosecutors in New York.

4. *“Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research,” March 20, 2001*

a. *Summary.*—During the 106th Congress, the Committee on Government Reform initiated an oversight investigation looking at the regulatory environment for dietary supplements in the United

States. A long and well-documented history of institutional-bias exists within the Federal Government and conventional medical community toward the use of dietary supplements for health promotion. This bias has at times created difficulties for those who manufacture or sell supplements, particularly smaller companies. Surveys show that about 50 percent of the American public now use dietary supplements on a regular basis. Americans have been adamant that the Federal Government should not restrict access to dietary supplements. There is growing public concern that agreements made through the CODEX Alimentarius for Food Safety will supersede U.S. law and eventually result in reduced access to dietary supplements.

In 1994, Congress passed the Dietary Supplement Health and Education Act [DSHEA] [Public Law 103-417] which amended the Federal Food, Drug, and Cosmetic Act to define a “dietary supplement” as a product: (1) other than tobacco, intended to supplement the diet that contains a vitamin, mineral, herb or botanical, dietary substance, or a concentrate, metabolite, constituent, extract, or combination of the above ingredients; (2) that is intended for ingestion, is not represented as food or as a sole item of a meal or diet, and is labeled as a dietary supplement; (3) that includes an article approved as a new drug, certified as an antibiotic, or licensed as a biologic and that was, prior to such approval, certification or licensure, marketed as a dietary supplement or food, unless the conditions of use and dosages are found to be unlawful; and (4) excludes such articles which were not so marketed prior to approval unless found to be lawful. Deems a dietary supplement to be a food. Excludes a dietary supplement from the definition of the term “food additive.” DSHEA clarified and extended the Food and Drug Administration’s [FDA] ability to regulate dietary supplements. Under the existing law, the FDA has seven specific points of regulatory authority:

- Refer for criminal action to any company that sells a dietary supplement that is toxic or unsanitary [Section 402(a)].
- Obtain an injunction against the sale of a dietary supplement that has false or unsubstantiated claims [Section 402(a)(6)].
- Seize dietary supplements that pose an “unreasonable or significant risk of illness or injury” [Section 402(f)].
- Sue any company making a claim that a product cures or treats a disease [Section 201(g)].
- Stop a new dietary ingredient from being marketed if FDA does not receive enough safety data in advance [Section 413].
- Stop the sale of an entire class of dietary supplements if they pose an imminent public health hazard [Section 402(f)].
- Requires dietary supplements to meet strict manufacturing requirements (Good Manufacturing Practices), including potency, cleanliness, and stability [Section 402(g)].

The committee received testimony from dietary supplement experts as well as from the FDA and members of the U.S. Delegation to the CODEX Alimentarius for Food Safety. One concern of par-

ticular interest to the committee is that U.S. businesses may be adversely affected in the international marketplace if the CODEX negotiations do not protect U.S. perspectives and existing laws. It was strongly suggested that the administration ensure that each delegation to an international regulatory body such as CODEX include experts in international trade negotiations in addition to scientific experts.

5. *"The U.S. Postal Service's Uncertain Financial Outlook," Part I, April 4, 2001*

a. Summary.—On April 4, 2001, the Committee on Government Reform held a hearing to examine the financial outlook of the U.S. Postal Service. This was the first hearing held by the committee during the 107th Congress to examine postal operations. At the hearing the committee focused on the financial challenges facing the Postal Service and options available to the agency to address those challenges. At the time of the hearing the Postal Service estimated that it would lose approximately \$2 billion in fiscal year 2001. A number of factors contributed to the Postal Service's dismal financial projections, including reduced mail volume, increased competition, management-labor relations problems, and statutory restrictions. Witnesses at the hearing included the Comptroller General of the United States, the Postmaster General, and the Postal Board of Governors.

The Comptroller General of the United States, David Walker, testified that the Postal Service faces major challenges that collectively call for a structural transformation if it is to remain viable in the 21st century. General Walker announced that because of the Postal Service's rapidly deteriorating financial situation, the General Accounting Office [GAO] was placing the Postal Service on its high-risk list. According to General Walker, several actions need to be taken to address the Service's continued problems. Such actions include (1) developing a comprehensive plan to address the financial, operational, and human capital challenges; (2) providing quarterly financial reports to Congress and the public; and (3) identifying, in conjunction with GAO and other stakeholders, improvement options that will cut costs and improve productivity. GAO also testified that because there was a significant shift in the Postal Service's financial outlook in the last 4 months, Congress and postal stakeholders needed to have frequent, transparent and reliable information on the Service's current and projected financial situation.

Postmaster General William Henderson testified that the Postal Service has few options available to it to address its financial challenges. The process for adjusting rates is long and cumbersome and the agency cannot build earnings for the long term like a private company. According to the Postmaster General, this makes the Postal Service uniquely vulnerable to rapid shifts in markets. The current financial challenge arises against a backdrop of explosive growth in communications technology and revolutionary restructuring of the commercial marketplace.

General Henderson said that modernizing the Postal Service is necessary to allow the agency to address the challenges it faces. He testified that without the ability to adjust the way it conducts busi-

ness, the Postal Service will become increasingly outmoded, and will have trouble meeting its very important responsibilities to the public.

6. *“Assessing The California Energy Crisis: How Did We Get To This Point, And Where Do We Go From Here?” April 11, 2001*

a. *Summary.*—Following an Energy Policy, Natural Resources and Regulatory Affairs Subcommittee hearing in Sacramento on April 10, the full committee held 2 days of field hearings on the California Energy Crisis. The April 11 hearing in San Jose focused on the causes and effects of California’s electricity crisis, the impact on the California economy, and the State and Federal response to the situation. Witnesses included: The Honorable Curt Hebert, chairman, Federal Energy Regulatory Commission; Ms. Dede Hapner, vice president, Regulatory Relations, Pacific Gas and Electric Co.; Mr. Stephen Pickett, vice president and general counsel, Southern California Edison; Mr. Dean N. Vanech, president, Delta Power Co.; and Mr. Paul E. Desrochers, director of fuel procurement, Thermo Ecotek.

Chairman Hebert testified about the role of FERC in mitigating the electricity crisis. He reiterated his opposition to electricity price caps for California, stating that such a policy would divert energy supplies to other regions and exacerbate electricity shortages in the State. Representatives of Pacific Gas and Electric Co. and Southern California Edison testified on the impact of the crisis on the State’s two largest utilities and the mounting debt they incurred due to the higher electricity prices. They criticized the State Public Utilities Commission for erecting barriers to the utilities entering into long-term contracts for electricity, leaving them vulnerable to wild price swings in the spot market. Mr. Vanech and Mr. Desrochers explained to the committee how qualifying facilities (small electricity generators) were impacted by the lack of payments from the major utilities, eliminating 3,000 megawatts of power from the market place.

7. *“Assessing The California Energy Crisis: How Did We Get To This Point, And Where Do We Go From Here?” April 12, 2001*

a. *Summary.*—The full committee’s second field hearing in San Diego on April 12 again focused on the causes and effects California’s electricity crisis. Witnesses included: Mr. Sam Hardage, president, Woodfin Suite Hotels, LLC; Mr. John Wiederkehr, president, Certified Metal Craft, Inc.; Mr. Douglas Barnhart, president, Douglas E. Barnhart, Inc.; Mr. Richard Thomas, vice president, Alpine Stained Glass; Mark W. Seetin, vice president government affairs, New York Mercantile Exchange; Bill Horn, chairman, San Diego County Board of Supervisors; P. Gregory Conlon, former California PUC chairman; Mr. Kevin P. Madden, general counsel, Federal Energy Regulatory Commission; Mr. Fredrick E. John, senior vice president external affairs, Sempra Energy; Mr. Steve Malcolm, president, Williams Energy Services; and Mr. John Stout, senior vice president for Asset Commercialization, Reliant Energy.

Mr. Hardage, Mr. Wiederkehr, Mr. Barnhart, Mr. Thomas and Chairman Horn explained to the committee how San Diego businesses had been affected by the deregulation of electricity prices on

the retail level in August 2000. Mr. Seetin was questioned about how markets work and why the system enacted by California failed. P. Gregory Conlon discussed how the PUC originally planned for the deregulation of the electricity markets during Governor Wilson's administration. Mr. Madden explained FERC's oversight of electricity generators and the Commission's decision to order the generators to justify possible overcharges during the crisis. Mr. John testified about Sempra's experience as the first utility allowed to deregulate its retail electricity, and the debt the company incurred due to the skyrocketing electricity prices. Mr. Stout and Mr. Malcolm answered questions on why electricity prices rose to such high levels in California and the allegations that electrical power generators had taken advantage of the crisis atmosphere to raise prices and boost profits. Mr. John and Mr. Malcolm also addressed the role of higher natural gas prices and California's constrained natural gas pipelines in creating high electricity prices.

8. "Autism—Why the Increased Rates?" April 25–26, 2001

a. Summary.—During the 106th Congress, the Committee on Government Reform initiated an investigation to look at the dramatic rise in autism rates. Government sources in the past have estimated national autism rates to be 1 in 10,000 children. Over the last decade those rates have risen to 1 in 500 children. The investigation to date has looked at three issues: (1) concerns that childhood vaccines, including those containing thimerosal (mercury) may be linked to increased rates of autism spectrum disorders, and speech and learning delays; (2) the level of research looking at the causes of and treatments for autism; and (3) the challenges of providing a "free and appropriate" education to individuals with autistic spectrum disorders.

Autism, or Autism Spectrum Disorder, is not simply a learning disability or developmental delay. Autism is a medical condition—a neurobiological disorder and complex developmental disability of- tentimes also characterized as pervasive developmental disorders. Autism typically appears during the first 3 years of life. Individuals with autism typically have difficulties in verbal and non-verbal communication, social interactions, and leisure or play activities. The disorder makes it hard to communicate with others and to relate to the outside world. In some cases, aggressive and/or self-injurious behavior may be present. Persons with autism may exhibit repeated body movements such as hand flapping and rocking, unusual responses to people or attachments to objects and resistance to changes in routine. Individuals may also experience sensitivities in any or all of the five senses.

In the last 40 years, in addition to the sharp rise in autism rates, the type of autism has changed. Dr. Bernard Rimland, a noted expert, stated in testimony that an increasing number of cases diagnosed in recent years are acquired autism—coming on suddenly in the second year of life. The committee has received a significant number of reports stating that children were normal prior to vaccination. At the time of vaccination, children who acquired autism, suffered a variety of reactions including excessive sleepiness, unmitigated crying, head banging, gastrointestinal reactions, and a sudden regression in to behaviors that were eventually diagnosed

as autism. Dr. Andrew Wakefield presented findings from his clinical research which found through laboratory analysis measles virus remaining in the intestinal tract of children who acquired autism shortly after receiving the MMR vaccine and who also suffered gastrointestinal issues. Many of these children, when properly treated for the gastrointestinal issues had a dramatic improvement in the symptoms of autism.

During the course of the investigation, the following concerns were raised: the need to fully understand the actual incidence of autism and autism spectrum disorders; the potential link between thimerosal (mercury)-containing vaccines and acquired or late-onset autism; late onset autistic enterocolitis and its connection to the measles-mumps-rubella vaccine; the lack of federally-funded research regarding these issues; the need for more autism-related research that will lead to better treatment options and cures; and the need for more practice-based research to evaluate current treatment options.

9. *“The FBI’s Controversial Handling of Organized Crime Investigations in Boston,” May 3, 2001*

a. *Summary.*—On May 3, the committee held its first hearing to explore allegations of wrongdoing by Federal law enforcement agents in Boston over the last three decades. The first hearing focused on the case of Joseph Salvati, who spent 30 years in prison for a murder he did not commit. The convictions were based primarily on the testimony of notorious Boston mob killer turned FBI witness, Joseph “The Animal” Barboza. Documents obtained by the committee prior to the hearing showed that not only was the prosecution of Joseph Salvati and three others based on highly dubious testimony, but that Federal and State law enforcement authorities had information indicating that they were sending the wrong men to the death chamber or prison for life.

Participating witnesses included Joseph Salvati, his wife Marie Salvati, and Attorney Victor Garo, who recounted the 30-year ordeal of the Salvati family, and Mr. Garo’s 26 year pro bono representation that ultimately resulted in the commutation and dismissal of all charges resulting from law enforcement’s withholding of critical exculpatory material at the time of trial and for decades afterward. Attorneys F. Lee Bailey and Joseph Balliro, Boston defense attorneys with extensive experience representing New England organized crime defendants, testified and questioned the veracity of Barboza at trial and the propriety of the actions of the FBI agents responsible for Barboza’s testimony. Also testifying was retired FBI Special Agent H. Paul Rico, who developed Barboza as a government witness to testify against Salvati and others. He denied any wrongdoing by the FBI and showed little remorse for the part he played in sending Mr. Salvati to prison. At the same time, he admitted that, after hearing all the evidence presented at the hearing, Salvati may have been wrongly convicted.

10. *“Challenges to National Security: Constraints on Military Training,” May 9, 2001*

a. *Summary.*—The committee held a hearing into regulatory, commercial and urban encroachment on military training affecting

installations and ranges across the United States. These encroachments threaten military readiness and the safety of those serving in uniform through the loss of training areas and realistic training. In many cases, requirements under the Endangered Species Act, the Marine Mammal Protection Act and other Federal land use regulations have taken priority over the military training mission on military land. Commercial interests in airspace and radio frequency spectrum often threaten the degradation of air training, information gathering, communications and other operational needs. The witnesses included top military officials and those commander responsible for training: Admiral William J. Fallon, Vice Chief of Naval Operations; General John P. Jumper, Commander, Air Combat Command, U.S. Air Force; Lt. General Larry R. Ellis, Deputy Chief of Staff for Operations and Plans, U.S. Army; Major General Edward Hanlon, Jr., Commanding General, U.S. Marine Corps, Camp Pendleton; Lt. General Leon J. LaPorte, Commanding General, III Corps and Fort Hood, U.S. Army; Brigadier General James R. Battaglini, Deputy Commanding General, 1st Marine Expeditionary Force, U.S. Marine Corps; Captain William H. McRaven, Commodore, Naval Special Warfare, Seal Group One; and Colonel Herbert J. Carlisle, Commander, 33rd Fighter Wing, Eglin Air Force Base, U.S. Air Force.

The committee has currently authorized two General Accounting Office studies in this area. One is a study of the Department of Defense's organization for dealing with these encroachments and the resources committed to following regulations. The second is an audit of the Fish and Wildlife Services' Endangered Species program to examine priorities and shortfalls in carrying out its regulatory mission.

11. *"The U.S. Postal Service's Uncertain Financial Outlook," Part II, May 16, 2001*

a. Summary.—The committee held a second hearing to examine the Postal Service's financial situation on May 16, 2001. At this hearing the committee heard from various postal stakeholders, including mailers and postal employee union representatives. Witnesses discussed the challenges facing the Postal Service and the impact of those challenges on postal business and the postal workforce. Since the committee's first postal hearing, held in April, the Postal Service took some steps to attempt to address its financial situation. It suspended capital improvement projects and undertook a study of 5-day delivery service. Additionally, on May 8, 2001, the Postal Board of Governors announced that on July 1, 2001, postal rates would increase for some classes of mail. The new rates modify an earlier increase that went into effect in January 2001, which raised the price of a first-class stamp to 34 cents.

Representatives of the mailing community testified about the need for a financially healthy Postal Service because of its importance to the U.S. economy. However, they cautioned against rate increases as a way to restore the fiscal health of the postal system. Jerry Cerasale, vice president of government affairs for the Direct Marketing Association, testified that postage increases would be counterproductive to the Postal Service's goal of raising revenue. According to Mr. Cerasale, large rate increases devastate mail vol-

ume because they cause mailers to seek alternatives or force them to stop doing business altogether. He testified that a typical postage increase for a business that mails invoices, magazines, newsletters, newspapers or advertisements translates into thousands or millions of dollars in additional expenses. The rate increases will also impact consumers. Rate increases could result in higher costs for products shipped through the mail, including periodicals and items bought from catalogs or off of the Internet.

Gene Del Polito, president of the Association for Postal Commerce, testified that the law governing postal operations has become an anachronism. In the 30 years since Congress passed the Postal Reorganization Act, the manner in which businesses and consumers communicate and transact their affairs has changed dramatically, however the legislative framework has not. According to Mr. Del Polito, this mismatch has contributed to the Postal Service's dismal financial reports and outlooks. As a result, he said that the passage of meaningful postal reform is essential. Gene Del Polito joined with Jack Estes, executive director of the Main Street Coalition for Postal Fairness in expressing support for the creation of a commission to study and make recommendations on the future and direction of the postal system. Pat Schroeder, president and chief executive officer of the Association of American Publishers advocated the creation of a postal closing commission modeled after BRAC, the military base closing commission.

Moe Biller, president of the American Postal Workers Union, testified that the Postal Service's problems are a revenue issue rather than a cost issue. The slowdown in the economy and rising energy costs account for a substantial part of the current deficit projections of the Postal Service. According to Mr. Biller, these problems are temporary and will not impact the Postal Service over the long term. He said that the Postal Service as presently configured is a strong and vital institution, and despite its present financial difficulty, has substantial strength and is capable of performing well, presently and in the future.

12. *"The Use of Prosecutorial Powers in the Investigation of Joseph M. Gersten," June 15, 2001*

a. Summary.—On June 15, the committee held a hearing regarding an FBI and Miami State Attorney's Office investigation of Dade County Commissioner Joseph Gersten. A review of the available evidence by committee staff suggests that individuals participated in a conspiracy to make allegations against Gersten involving drug use and consorting with prostitutes that they knew to be false. It also appears that government officials came into possession of strong evidence that the allegations may have been fabricated, and they either ignored the evidence or covered it up.

The purpose of the hearing was to take testimony from prosecutors who were involved in the case. Two of the principal attorneys who conducted the investigation declined to be interviewed by committee staff, necessitating the hearing. A secondary purpose of the hearing was to determine when it is appropriate for U.S. law enforcement agencies to provide information to foreign governments about U.S. citizens under investigation. The Justice Department

provided uncorroborated information about Gersten to authorities in Australia, where Gersten now lives.

Witnesses at the hearing were Richard Gregorie, Assistant U.S. Attorney and former Assistant State Attorney, Miami-Dade County; Michael Band, former Assistant State Attorney, Miami-Dade County; Mary Cagle, Assistant State Attorney, Miami-Dade County; and Mike Osborn, retired Miami homicide detective.

13. *“Compassionate Use of INDs—Is the Current System Effective?”*
June 20, 2001

a. *Summary.*—If a serious medical condition such as metastatic cancer is unresolved after the treatment with the “standard of care” patients and physicians turn to the research community for other treatment options. The drug approval process on average takes between 12 and 15 years. Medical research information is more widely available to the public through the Internet and through media discussions. Patients are increasingly more active in seeking access to experimental treatments. When an investigational drug shows promise, patients often seek access to the treatment. Seriously or terminally-ill patients have reported difficulty gaining access to experimental therapies when their medical or demographic characteristics do not match those being sought by researchers.

The subject of special exemptions or emergency access to investigational new drugs, commonly referred to as “compassionate use” has been a difficult and controversial one. At present there is no uniformity among companies for patients who do not qualify for a clinical trial to apply for and receive access to experimental treatments. The committee received testimony from families, the FDA, and the manufacturer of an experimental cancer therapy about the challenges of compassionate access. In cancer treatments many new therapies are biological therapies and there are inadequate amounts of these products to provide wide access to patients outside the clinical trials. Some companies have an established procedure for patients to apply for compassionate access and provide information on their Internet site about their program. The companies the committee evaluated approach compassionate access from different perspectives. One company utilizes a lottery to select from the thousands of applicants. Another company decided not to provide any product outside clinical trials because of the disparity between the numbers of requests and the small amount of additional supplies of the investigational new drug available.

14. *“Federal Information Technology Modernization: Assessing Compliance with the Government Paperwork Elimination Act,”*
June 21, 2001

a. *Summary.*—On June 21, the committee held a hearing to assess executive branch compliance with the Government Paperwork Elimination Act [GPEA]. In 1998, Congress passed GPEA, requiring executive branch agencies to give people the option of filing their most frequently used forms electronically. The deadline for achieving this goal is October 2003. The ultimate goal of GPEA, and of the committee’s oversight activities, is to prod Federal agen-

cies to use information technology to create new efficiencies and improve service to the public.

Testifying before a congressional committee for the first time since his appointment, Office of Management and Budget Director Mitch Daniels stated that compliance with GPEA has been mixed. Director Daniels cited the EPA, the Treasury Department and the Department of Housing and Urban Development for their successful efforts toward compliance with the law. Conversely, he cited the Defense Department, the Justice Department and the Department of Health and Human Services for failing to have an agency-wide commitment to e-government and GPEA.

Committee members questioned Defense Department officials about the apparent lack of an enterprise-wide commitment to e-government strategic planning at DOD. At the same time, the committee heard testimony from the Deputy Director of the U.S. Mint about that agency's successful use of information technology to improve customer service over the internet, eliminate stovepipes, and increase efficiency throughout the organization. Private-sector witnesses included representatives of Microsoft and Cisco Systems.

15. *"The Benefits of Audio-Visual Technology in Addressing Racial Profiling," July 19, 2001*

a. *Summary.*—On July 19, the committee held a hearing regarding allegations of racial profiling, and the potential benefits of using audio-visual technology to prove or disprove those allegations. The committee heard from Assistant Attorney General for policy development Viet Dinh, who testified about Justice Department efforts to promote the use of audio-visual technology and other methods to discourage racial profiling by State and local police forces. The committee also heard testimony from two Texas State lawmakers, Senators Royce West and Robert Duncan. The two State legislators won passage of legislation requiring police departments in Texas to collect racial data on individuals stopped for traffic infractions unless those departments had applied for State funding to purchase audio-visual technology.

Testifying on the second panel were Colonel Charles Dunbar, superintendent of the New Jersey State Police; Attorney Mark Finnegan; and Attorney Robert Wilkins. Mr. Finnegan testified about audio-visual evidence from a traffic stop in Ohio that corroborated his client's charge that a police officer committed an act of racial profiling against Hispanics. Mr. Wilkins testified about an incident during which he was stopped by Maryland State Police officers. Testifying on the third panel were former U.S. Customs Commissioner Raymond Kelly; Rachel King, legislative director for the American Civil Liberties Union; and Chris Maloney, president of TriTech Software Systems. Mr. Kelly testified about efforts at the Customs Service under his tenure to more effectively conduct inspections of individuals entering the country without the use of racial profiling. Mr. Kelly stated that under new procedures adopted by Customs, seizures of illegal substances had increased while the number of actual inspections had gone down.

16. *“Preparing For The War On Terrorism,” September 20, 2001*

a. Summary.—This committee hearing examined the extent of the threat to U.S. interests from international terrorist organizations and recommended U.S. actions in response to those threats. Witnesses included: the Honorable Benjamin Netanyahu, former Prime Minister of Israel; General Anthony Zinni, U.S. Marines, retired; Dr. Christopher Harmon, professor, U.S. Marine Corps Command and Staff College; and Dr. Jessica Stern, Harvard University.

Former Prime Minister Netanyahu gave compelling testimony about how the Israeli Government has dealt with terrorism and suggest how the United States should meet the growing threat. General Zinni told the committee of his experience in the region as commander-in-chief of the U.S. Central Command, facing terrorist threats to U.S. military installations across the Middle East. Dr. Stern and Dr. Harmon, recognized academic experts on terrorism, explained the goals and probable courses of action by terrorists today.

17. *“Oversight of the U.S. Postal Service: Ensuring the Safety of Postal Employees and the U.S. Mail,” October 30, 2001*

a. Summary.—On October 30, 2001, the committee convened a hearing to review efforts being undertaken to protect the safety and security of postal workers, customers and the mail in the aftermath of the terrorist-related anthrax attacks. At the time of the hearing, three people infected with anthrax had died, including two postal workers. Thousands of others were being treated with antibiotics. The anthrax attacks also caused mail delivery to be suspended and businesses, government offices, and mail processing facilities to shut down.

At the hearing, the committee examined a number of mail security and safety issues. Witnesses included Kenneth Weaver, Chief Postal Inspector of the Postal Inspection Service; Dr. Mitch Cohen of the Center for Disease Control and Prevention; James Jarboe of the Federal Bureau of Investigations; and the Honorable John Potter, Postmaster General of the United States. The committee also heard from a panel of representatives from the various Postal employee unions who addressed the impact of mail safety and security on their members.

Postmaster General John E. Potter acknowledged that although the risks of contamination from opening the mail are slim, the safety of the mail could not be guaranteed. General Potter said that the Postal Service was working in conjunction with the medical community to develop a plan to address the threats to postal employees of mail containing anthrax. Additionally, the Postal Inspection Service was working with the law enforcement community, including the Federal Bureau of Investigation, to investigate the crimes. General Potter testified that the Postal Service is taking a number of steps to protect postal workers and the mail. Thousands of postal employees were tested and treated for exposure to anthrax. Protective equipment, including masks and gloves, were provided to postal workers. The Postal Service also was testing postal facilities and modifying cleaning equipment to minimize the spread of dust and spores. General Potter announced that the Postal Service contracted for the purchase of electron beam systems to sanitize the

mail. In the meantime, he said some mail would be shipped to private firms in Ohio and New Jersey so that it could be sanitized using electron beam technology.

Some members of the committee raised questions about the possibility that mail containing anthrax could cross-contaminate other mail. Members urged the Postal Service as well as health and law enforcement officials to take a proactive approach to determining whether cross contamination occurs. However, at the time of the hearing, testing of potentially contaminated mail had yet to begin. James Jarboe of the Federal Bureau of Investigation testified that the FBI had located a facility to examine the mail taken from Capitol Hill on October 17, 2001, 2 weeks since the anthrax-laced letter to Senator Daschle was opened. In a letter sent to the Postal Service, the Federal Bureau of Investigations, and the Center for Disease Control and Prevention, Chairman Burton and Ranking Minority Member Waxman urged the immediate testing of mail to determine whether and the extent to which cross-contamination of the mail occurs.

Members also urged the Postal Service to consider “low-tech,” common-sense safety approaches that could reduce the volume of anonymous mail needing sterilization, and noted that the Service had not developed emergency plans to respond to a bioterrorist attack using the mail. The Postal Service was encouraged to seek assistance from experts both inside and outside of the government as they developed a plan to ensure the safety of the mail for customers and postal workers. Finally, many members expressed support for emergency funding to assist the Postal Service in responding to the anthrax attacks.

18. *“The National Vaccine Injury Compensation Program: Is It Working As Congress Intended?” November 1 and December 12, 2001*

a. Summary.—As part of the committee’s ongoing review of vaccine safety and policy issues, two hearings were conducted in 2001 regarding the Vaccine Injury Compensation Program and whether it is operating as Congress intended—as a less adversarial alternative to civil litigation in which individuals would be fairly and promptly compensated for vaccine injuries. In 1986, Congress adopted the Childhood Vaccine Injury Act to establish a federally sponsored, no-fault system of compensating individuals who suffer adverse reactions to vaccines. In 1986, vaccine manufacturers were threatening to leave the vaccine market because of increased civil litigation related to vaccine injuries. The law established the Vaccine Injury Compensation Program [VICP], which is jointly administered by the Department of Justice and the Department of Health and Human Services. The Program was designed to serve three purposes:

1. Provide fair, expedited compensation to those who suffer vaccine injury;
2. Enhance the operation of our system of childhood immunizations; and
3. Protect the Nation’s vaccine supply by shielding manufacturers and medical personnel delivering vaccines from liability.

The committee is concerned about complaints regarding the management of the program. These complaints fall into three broad categories:

1. The statute of limitations of 3 years for injuries and 2 years for death cases is too narrow and excludes families from the program.
2. The inability to make interim payments to petitioners for legal fees and expenses places them at a disadvantage. While the Federal Government has unlimited resources to pay for medical experts and the attorneys are on salary, petitioners and their lawyers often wait for years to be reimbursed for similar expenses as cases drag on.
3. The program has, in general, become too litigious and adversarial. Cases drag on for years as petitioners are required to hire medical experts to attempt to prove that injuries are vaccine-related.

The committee received testimony regarding on-table injury cases that dragged on for 6–10 years. At times when the special master or courts ruled in favor of the petitioner, the government appealed. Of particular concern to the committee are two issues relative to the increasing adversarial nature of the program. Attorneys representing the Government whose behavior is out of line with the intended compassionate nature of the program, and utilizing the threat of appeal after a ruling in favor of the petitioner in order to have the case be “unpublished” and thus not about to be cited as precedent in future cases. A majority of vaccine compensation cases are “unpublished.”

19. *“The Status of Insurance Restitution for Holocaust Victims and Their Heirs,” November 8, 2001*

a. Summary.—The committee held a hearing examining the efforts of the International Commission on Holocaust-Era Insurance Claims [ICHEIC] to settle unpaid insurance policy claims of Holocaust victims and their heirs. Holocaust survivors testified about the difficulties they encountered in receiving restitution through the Commission. The chairman of ICHEIC, former Secretary of State Lawrence Eagleburger, acknowledged that the results produced by the Commission to date have not been satisfactory. However, he pointed out that participating insurance companies have awarded \$21 million to deserving claimants since ICHEIC’s creation.

Participating insurance companies were criticized at the hearing for refusing to honor a \$60 million financial commitment to the Commission, failing to publish complete lists of Holocaust-era policyholders, and being unwilling in some cases to comply with Chairman Eagleburger’s decisions. These insurance companies have also requested a \$76 million reimbursement for expenses incurred in claims processing, which was unacceptable to Chairman Eagleburger, insurance regulators, and survivor advocates. Many more claimants would receive compensation if non-participating German insurance companies joined the restitution process. The witnesses agreed that the German Government should exert more pressure on these companies to compensate unpaid policyholders.

20. *“Comprehensive Medical Care of Bioterrorism Exposure—Are We Making Evidence Based Decisions?” November 14, 2001*

a. Summary.—As an extension of the committee’s ongoing investigation of the Anthrax Vaccine Immunization Program, a hearing was conducted to review the comprehensive medical options available to deal with bioterrorism exposure. After the terrorist attack of September 11, 2001 and the subsequent postal terrorism with anthrax spores, there is an urgent need to understand the level of valid information about all treatment options available and under development that may offer protection against the biological agents that might be used in a terrorist attack. Witnesses provided expert testimony regarding nutritional and complementary treatments that can help individuals cope with the side effects of lengthy antibiotic treatments. Information was provided regarding research conducted in military laboratories that showed some measure of protection with homeopathic remedies for tularemia and other potential biological agents. There was a general acceptance from the hearing that nutrition and complementary approaches are not shown to replace conventional treatments such as antibiotics and vaccines. It was also generally accepted that there is research to indicate that there are opportunities to improve overall health through nutritional and complementary approaches, and that in the absence of vaccines for smallpox or other biological agents, that understanding what else may offer antibacterial or antiviral protection, or specific protection from the biological agent is important. More research in the area is certainly called for in order to provide a valid, evidenced-based response to the medical and public health community.

21. *“The FBI’s Handling of Confidential Informants in Boston: Will the Justice Department Comply With Congressional Subpoenas?” December 13, 2001*

a. Summary.—On December 13, the committee held a hearing regarding the Justice Department’s failure to comply with committee document subpoenas. The documents in question were Justice Department memoranda regarding the Department’s controversial handling of organized crime informants in Boston. The Government Reform Committee has been conducting an oversight investigation of widespread allegations of abuses committed by FBI agents in Boston with respect to organized crime informants they had cultivated. At a hearing earlier in the year, the committee received testimony from a Boston man who spent 30 years in prison for a murder he did not commit because of the perjurious testimony of FBI informant Joe “the Animal” Barboza. Documents that have recently come to light strongly suggest that the FBI knew that Barboza’s testimony was false, and that another FBI mob informant had actually committed the crime.

The committee’s investigation of this and numerous other abuses has been seriously impeded by the Justice Department’s new policy of prohibiting congressional committees from reviewing DOJ deliberative documents. At the hearing, committee members protested that the Department’s new policy flew in the face of longstanding precedent of committees receiving access to such documents when the need arises. Committee members stated that the ability to re-

view documents goes to the heart of Congress' ability to conduct meaningful oversight of the executive branch.

Testifying on behalf of the administration was Michael E. Horowitz, Chief of Staff of the Criminal Division, Department of Justice. Just prior to the hearing, the President claimed Executive privilege over the documents under subpoena, creating a new barrier to the committee's access to the documents.

22. *"The History of Congressional Access to Deliberative Justice Department Documents," February 6, 2002*

a. Summary.—This hearing explored historical examples of congressional access to executive branch deliberative documents, which was necessitated by the Justice Department's refusal to provide key documents relevant to the committee's investigation of FBI use of informants in Boston during the 1960's and 1970's. The Justice Department's withholding of these documents forestalled the committee from discharging its Constitutional responsibility to conduct executive branch oversight. Daniel J. Bryant, Assistant Attorney General of the Office of Legislative Affairs, defended the Justice Department's claim of executive privilege over documents containing prosecutorial advice. Bryant, however, admitted that the Justice Department had provided deliberative documents to Congress on numerous occasions. Catholic University Professor Mark J. Rozell, author of a book on executive privilege, testified that allowing the current claim of executive privilege to stand would establish a "terrible precedent," and would allow future administrations to withhold from Congress any information it deems prosecutorial. Law professor Charles Tiefer gave a thorough historical account of congressional access to precisely the kind of executive branch material subpoenaed, dating back to the 1920's. He pointed out that there were numerous examples of Congress receiving the type of information requested by the committee.

23. *"The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?" February 13, 2002*

a. Summary.—This hearing focused on Joseph Barboza's trial for the murder of Clay Wilson in Somona County, CA. After testifying as a government witness in three trials, Barboza entered the Witness Protection Program and was placed in California under an alias. Despite the FBI's knowledge that Barboza had murdered 26 people, no State or local law enforcement personnel were notified that he had been relocated to the community, according to Edwin Cameron, an investigator for Somona County. Mr. Cameron testified that if local law enforcement had been informed that an accomplished killer was living in the area, authorities would have been able to connect Barboza to the disappearance of Clay Wilson rather easily. Mr. Cameron and Tim Brown, former detective sergeant for the Somona County Sheriff's Office, agreed that the Boston FBI Office was not forthcoming with information about Barboza's background. Boston FBI agents Paul Rico and Dennis Condon failed to return numerous phone calls requesting information about Barboza.

Marteen Miller was the public defender who represented Barboza in the Wilson murder trial. Mr. Miller told the committee that the FBI was “absolutely fearful” that Barboza would receive the death penalty, fearing he might recant his testimony as a government witness in past trials if sentenced to death. To assist with Barboza’s defense, Mr. Miller said that then-U.S. Attorney Edward Harrington and FBI agents H. Paul Rico and Dennis Condon were “fully cooperative” in testifying on behalf of Barboza. Mr. Miller commented that in his 40 years as a criminal defense attorney, Barboza was the only individual to be convicted of second degree murder yet only serve 4 years in prison.

24. *“The California Murder Trial of Joe ‘The Animal’ Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?” February 14, 2002*

a. *Summary.*—The second day of hearings on Joseph Barboza’s murder trial in California focused on the Justice Department officials who handled Barboza as a cooperating witness. One of Barboza’s handlers, FBI Special Agent H. Paul Rico, invoked his fifth amendment right to remain silent in response to committee questions despite testifying freely in a previous committee hearing.

Former Assistant U.S. Attorney Edward F. Harrington, who used Barboza as a cooperating witness to convict mafia leader Raymond L.S. Patriarca, willingly answered committee questions. In preparation for the Patriarca trial, Harrington became aware that Barboza received Patriarca’s permission to kill Edward Deegan. This information would have helped exculpate several defendants wrongly convicted of the Deegan murder. Yet, Harrington testified that he had forgotten this information by the time the Deegan defendants were indicted 5 months later. Mr. Harrington told the committee that he never discussed the Deegan case with Barboza. According to Mr. Harrington, Barboza was the original witness in the Witness Protection Program. While in the Program, Barboza was accused of murdering Clay Wilson. Mr. Harrington testified that the Justice Department sent Mr. Harrington to California to determine whether the accusation was true, and Barboza told Mr. Harrington that he killed Mr. Wilson in self-defense. Mr. Harrington admitted that he testified on Barboza’s behalf at the murder trial. After Barboza was convicted of the Wilson murder, Mr. Harrington urged the parole board to release Barboza after he served only 4 years in prison.

25. *“Justice Department Misconduct in Boston: Are Legislative Solutions Required?” February 27, 2002*

a. *Summary.*—This hearing assessed the need for legislative changes in the laws governing misconduct by Federal prosecutors and law enforcement agents. Four witnesses testified and recommended legislative action. Victor Garo, an attorney who spent 25 years fighting for the release of a falsely imprisoned man, testified that there should be no statute of limitations for prosecutors and law enforcement agents who withhold exculpatory evidence. Garo suggested that the minimum jail sentence for such misconduct should be either the sentence the defendant received or the

sentence mandated by the statute under which the defendant was convicted.

Austin McGuigan, the former chief prosecutor for Connecticut's Statewide Organized Crime Task Force, suggested a law requiring a law enforcement agency to disclose exculpatory evidence to other law enforcement agencies involved in the investigation, unless an independent review board provides compelling reasons to withhold the information. Boston University law professor Frederick Lawrence focused on the standard for convicting prosecutors and law enforcement agents. He argued that, rather than having to prove an official willfully committed a crime or violated a defendant's right, the standard should be that the official knew or should have known a crime was being committed in bringing the case. Yale Law School professor Stephen Duke suggested several legislative changes, including tolling the statute of limitations until the defendant discovers that exculpatory evidence has been withheld, creating an independent prosecutor to handle law enforcement misconduct cases, criminalizing the suppression of evidence, reducing the time limits on collateral attacks, and eliminating absolute civil prosecutorial immunity.

26. *"Quickening the Pace of Research in Protecting Against Anthrax and Other Biological Terrorist Agents—A Look at Toxin Interference," February 28, 2002*

a. *Summary.*—Testifying at this hearing were Dr. Robert Smith, founder and research director, Enzyme Systems Products; Dr. Rodney Balhorn, Research Director, Lawrence Livermore Laboratories, Department of Energy; Dr. Stephen Leppla, senior investigator for the National Institute of Dental and Cranial Facial Research, National Institute of Health; and Dr. Arthur Friedlander, Senior Scientist, U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick; Gary Thomas, senior scientist, at Vollum Institute; Dr. John Collier, professor of microbiology and molecular genetics, Harvard Medical School; and John A.T. Young, professor in cancer research, McArdle Laboratory for Cancer Research, University of Wisconsin. On the heels of the terrorist attacks of September 11, 2001, there were biological attacks on the American populace through the postal system delivery of military grade anthrax spores. In light of the committee's extensive history evaluating problems with the current anthrax vaccine and its oversight responsibilities of the U.S. Postal Service, the committee sought testimony from leading experts on anthrax anti-toxin. In addition to the anthrax vaccine and post-exposure use of antibiotics, treatments are in development that would block the release at the cellular level of anthrax's lethal toxins. This is an important treatment in development because of the potential to utilize as a post-exposure treatment. The President's fiscal year 2003 budget calls for \$5.9 billion to defend against biological terrorism, \$2.4 billion of which is for scientific research. This hearing highlighted one area: a focused infusion of research funding would likely produce significant results in 1 or 2 years rather than the typical 12 to 15 year of product development. The anthrax toxin consists of three proteins that the anthrax bacterium releases into its environment. None of these three proteins alone is toxic, but they act together

to cause damage to human cells. Two of the proteins, lethal factor and edema factor, are enzymes that act inside cells to alter certain aspects of one's metabolism. Alone these factors are unable to penetrate the protective membrane barrier that surrounds cells. Therefore, they cannot enter. They are not toxic by themselves. The third protein, protective antigen [PA], is essential to the potency of the other two proteins. PA assembles on the surface of a cell into what can be thought of as a molecular syringe, which is able to inject other two proteins through the protective membrane barrier and into the cell. Once inside the cell, the edema factor and lethal factor have access to their molecular targets. They modify these molecular targets, which disrupts one's metabolism in ways that ultimately lead to death of the human. Several approaches to inhibiting the lethality of an exposure were discussed including a proposal outlined by Dr. Smith to protect against inhalation anthrax by inhibiting the furin enzyme on the surface of cells in the lung.

27. *"The Importance of Access to Presidential Records: The Views of Historians," April 11, 2002*

a. Summary.—On April 11th, the committee held a hearing to examine the impact of Executive Order 13233 on the public release of records under the Presidential Records Act of 1978. Before enactment of the 1978 act, the records of a President were considered to be his personal property. The 1978 act declared for the first time that a President's records pertaining to his official duties belong to the American people. The act provided for the eventual public release of a former President's records, except for those containing military secrets or certain other sensitive information. Executive Order 13233, issued by President Bush on November 1, 2001, granted incumbent and former Presidents broad authority to prevent the release of their records under the Presidential Records Act.

At the committee's hearing, four noted historians discussed the need for public access to Presidential records. The witnesses included two distinguished Presidential biographers, Robert Dallek and Richard Reeves. The committee also heard from Stanley Kutler, a professor of law and history at the University of Wisconsin, and Joan Huff, director of the Contemporary History Institute at Ohio University. All of the witnesses emphasized the importance of making Presidential records public to the greatest extent consistent with national security and other legitimate confidentiality protections. The witnesses were unanimous in their view that Executive Order 13233 violated the Presidential Records Act and would do great harm. As Mr. Dallek observed, withholding Presidential documents "impoverishes our understanding of recent history." The witnesses supported a bill (H.R. 4187) to overturn the Executive order and replace it with a statutory process by which incumbent and former Presidents could review records prior to their public release within fixed time periods. The committee subsequently reported the bill favorably.

28. *"The Autism Epidemic: Is the NIH and CDC Response Adequate?" April 18, 2002*

a. *Summary.*—Testifying at this hearing were Mr. Lee Grossman, president, Autism Society of America; Ms. Belinda Lerner, member of the Autism Coalition; Mr. Stephen Shore, board member of Unlocking Autism; Doug Compton, scientific director, Cure Autism Now Foundation; Dr. Steven Foote, National Institute of Mental Health; Ms. Coleen Boyle, associate director for Science and Public Health, from the National Center on Birth Defects and Development Disabilities, Centers for Disease Control and Prevention. As part of the ongoing evaluation of the autism epidemic, the committee received testimony regarding the current state-of-the-science in federally-funded autism research. The National Institutes of Health [NIH] now estimates the rate of autism at 1 in 250 children—a doubling of the rate since the committee began its investigation in the 106th Congress. The Center for Disease Control and Prevention [CDC] has conducted two prevalence studies. The study in Brick Township, NJ, found that 1 in 181 children between the ages of 3 and 10 were diagnosed with autism, while 1 in 128 were diagnosed with autism spectrum disorders. A yet unpublished study conducted in 1996 in Atlanta, GA, found that 1 in 294 children ages 3 to 10 suffered from autism. Boys are affected four times more often than girls. It is likely that 1 in every 156 boys in the United States between the ages of 1 and 10 are autistic. In the 2002 school year there were 3,789 individuals with autism in Indiana schools, up from just 116 in 1990. The committee compared the funding to address the autism epidemic to two other identified epidemics, diabetes and HIV/AIDS. For fiscal year 2002, the CDC's plans were to spend \$11.3 million on autism and \$10.2 million on autism for fiscal year 2003. For fiscal year 2002, CDC planned on spending \$932 million on the AIDS epidemic and just over \$62 million on diabetes. The National Institutes of Health [NIH] has a budget of \$27 billion. In fiscal year 1997, the NIH investment in autism research was only \$22 million. In fiscal year 2001, NIH invested \$56 million. During fiscal year 2001, the NIH focused over \$2.2 billion in AIDS research and \$688 million on diabetes. Little of the research investment of the government to date has focused on the clinical needs of individuals with autism—food allergies, digestive disorders, possible heavy metal toxicity, nutritional supplements, and behavioral interventions. During the hearing the committee received testimony regarding the Vaccine Safety Datalink Project [VSD]. As a result of the committee's oversight, this database of 10 years of medical records, including immunization records, has been opened up for independent evaluation. It was through the VSD, that an initial evaluation found a potential link between thimerosal vaccines and neurological developmental delays, speech and language delays, and attention deficit disorders.

29. *"Examining Security at Federal Facilities: Are Atlanta's Federal Employees at Risk?" April 30, 2002*

This hearing focused on gauging the safety of government employees at Federal buildings in Atlanta, GA. Following the September 11th terrorist attacks on America, the Federal Government seeks to more effectively secure its facilities in order to protect its

employees. Due to their visibility and accessibility, Federal buildings are among the most vulnerable of potential targets in American society to terror attacks. The committee wanted to learn what security measures can simultaneously increase security at, and maintain accessibility to, Federal buildings. The hearing featured testimony from Ronald Malfi, Acting Managing Director of the GAO Office of Special Investigations, and Wendell C. Shingler, Assistant Commissioner of the GSA Office of Federal Protective Service.

30. *“Investigation of Allegations of Law Enforcement Misconduct in New England,” May 11, 2002*

a. Summary.—On May 11, 2002, the committee held a field hearing in Boston, MA, to explore allegations of law enforcement misconduct in New England. This hearing focused on the 1968 Deegan murder trial, in which Joseph Salvati and three others were found guilty of a crime that they did not commit. Participating witness included Jack Zalkind, former Suffolk County prosecutor and lead prosecutor in the Deegan trial, James M. McDonough, former legal assistant in the Suffolk County DA’s Office, and the Honorable Wendie Gershengorn, former Massachusetts Parole Board member.

Jack Zalkind, the lead prosecutor in the case, described himself as “a victim” of the FBI. He told the committee that if the FBI had given him information in its possession, there would have been no prosecution. “I must tell you this, that I was outraged—outraged—at the fact that if [the exculpatory documents] had ever been shown to me, we wouldn’t be sitting here, because I wasn’t the person that made the decisions, but I certainly would never have allowed myself to prosecute this case having that knowledge. No way[.] That information should have been in my hands. It should have been in the hands of the defense attorneys. It is outrageous, it’s terrible, and that trial shouldn’t have gone forward.”

James M. McDonough, who assisted Mr. Zalkind in the Deegan murder trial, indicated that at the time of the trial the prosecution was in possession of a police report drafted shortly after the Deegan murder by Lieutenant Thomas Evans of the Chelsea Police Department. That particular report did not mention Joseph Salvati, nor three others ultimately convicted of the Deegan murder, and, in fact, implicated others not prosecuted for the murder, such as FBI informant Vincent “Jimmy” Flemmi. McDonough further testified that the Supreme Court of Massachusetts later ruled that police report was not exculpatory, that it could be inferred that the defense counsel knew all of the information in the report during the trial, and the prosecution had no duty to disclose that report at the time and under the circumstances revealed.

Judge Wendie Gershengorn, a former Massachusetts Parole Board member, was questioned about a memorandum dated November 29, 1976, that was directed to her special attention from the Parole Board’s investigator Joseph Williams. The memorandum stated that word from reputable law enforcement officers was that Joseph Salvati was not involved in the Deegan murder and that Salvati was just thrown in the case because the State’s main witness, Joseph “The Animal” Barboza, hated Salvati. Judge Gershengorn testified that she has “no specific memory of doing

anything as a result of this information.” She also pointed out that the Parole Board was statutorily prohibited from considering guilt or innocence when contemplating a commutation petition.

31. *“Critical Challenges Confronting National Security—Continuing Encroachment Threatens Force Readiness,” May 16, 2002*

a. *Summary.*—The committee held its second hearing into regulatory, commercial and urban encroachment on military training affecting installations and ranges across the United States. These encroachments threaten military readiness through the loss of training areas and realistic training. This hearing featured testimony from special operations personnel with recent combat experience in Operation Enduring Freedom on the importance of comprehensive training to success on the battlefield. This hearing also presented the General Accounting Office’s report entitled, “Military Training—DOD Lacks a Comprehensive Plan to Manage Encroachment on Training Ranges.” The report concluded that although the military services have experienced loss of realistic training, the Department of Defense has not provided adequate management to address the challenge. A full assessment of the impact on readiness is limited by lack of data on training requirements and inventory of available resources. Working with the House and Senate Armed Services Committee, legislation was passed that incorporated the recommendations of the GAO report. The witnesses at the hearing included: Lt. General William P. Tangney, Deputy Commander in Chief, U.S. Special Operations Command; Colonel Thomas D. Waldhauser, Commanding Officer, 15th MEU, Special Operations Capable, Camp Pendleton, U.S. Marine Corps; Captain Steve Voetsch, Commander, Air Wing One, U.S.S. Theodore Roosevelt; Lt. Commander Kerry Metz, Naval Special Warfare Group One; Captain Jason Amerine, 5th Special Forces Group (Airborne), Fort Campbell, KY; the Honorable Raymond DuBois, Deputy Under Secretary of Defense for Installations and the Environment; the Honorable Paul Mayberry, Deputy Under Secretary of Defense for Readiness; Mr. Barry Holman, Director, Defense Capabilities Management, U.S. Government Accounting Office and Dan Miller, First Assistant Attorney General, Colorado Department of Law. Testimony was also solicited from Vice Admiral Charles Moore, Deputy Chief of Naval Operations for Logistics and Readiness; Major General Thomas S. Jones, Commanding General, Training and Education Command, U.S. Marine Corps; Major General Robert Van Antwerp, Assistant Chief of Staff of Installation Management, Department of the Army; and Major General Randall M. Schmidt, Assistant Deputy Chief of Staff for Air and Space Operations, U.S. Air Force. The committee will continue to conduct oversight of encroachment and readiness management at the Department of Defense, as well as focusing on other Federal departments responsible for executing regulations and laws affecting Federal land management, including the Departments of Interior and Commerce.

32. *“Should the United States do More to Help U.S. Citizens Held Against Their Will in Saudi Arabia?” Wednesday, June 12, 2002*

a. Summary.—The full committee held a hearing to examine the large number of cases in which U.S. citizens are being held in Saudi Arabia against their will with the full blessing of the Saudi Government, often in violation of U.S. law. Witnesses included: Patricia Roush, mother of Alia and Aisha Gheshayan; Dria Davis, accompanied by her mother, Miriam Hernandez-Davis; Ethel Stowers, mother of Monica Stowers, and grandmother of Rasheed and Amjad Radwan; Hume Horan, former U.S. Ambassador to Saudi Arabia (1987–88); Daniel Pipes, director, Middle East Forum; Doug Bandow, senior fellow, Cato Institute; Dianne Andruch, Deputy Assistant Secretary for Overseas Citizen Services, Department of State; and Ryan Crocker, Deputy Assistant Secretary for Near Eastern Affairs, Department of State.

Patrice Roush and Ethel Stowers gave compelling testimony on how members of their families are not allowed to leave Saudi Arabia. Dria Davis and Miriam Hernandez-Davis told the committee about their harrowing experience getting Dria Davis out of Saudi Arabia. Hume Horan explained his experiences with the Saudi Government in relation to trying to facilitate the departure of U.S. citizens from the Kingdom and allowing U.S. citizens to visit their detained relatives. Daniel Pipes and Doug Bandow gave the committee a broader prospective on U.S.-Saudi relations. Diane Andruch and Ryan Crocker provided testimony on current State Department policy on Saudi Arabia and the child abduction issue.

33. *“The Status of Research into Vaccine Safety and Autism,” June 19, 2002*

a. Summary.—Testifying at this hearing were Jeff Bradstreet, M.D., F.A.A.F.P. medical director and founder, the International Child Development Resource Center; Andrew Wakefield, M.D., research director, International Child Development Resource Center; Vera Stejskal, Ph.D., associated professor of immunology, University of Stockholm and MELISA MEDICA Foundation; Arthur Krigsman, M.D., pediatric gastrointestinal consultant, Lenox Hill Hospital and clinical assistant professor, Department of Pediatrics, New York University School of Medicine; Walter Spitzer, M.D., M.P.H., F.R.C.P.C., emeritus professor of epidemiology, McGill University; Roger Bernier, Ph.D., M.P.H., Associate Director for Science, Office of the Director, Center for Disease Control and Prevention; Robert Chen, M.D., M.A., Chief of Vaccine Safety and Development Activity, National Immunization Program and Associate Director for Science and Public Health, National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention; Frank DeStefano, M.D. M.P.H., Medical Epidemiologist, National Center on Birth Defects and Developmental Disabilities, Center for Disease Control and Prevention; Stephen Foote, Ph.D., Director, Division of Neuroscience and Basic Behavioral Science, National Institutes of Mental Health; and William M. Egan, Ph.D., Deputy Director, Office of Vaccines Research and Review, Centers for Biologics Evaluation and Research, Food and Drug Administration. Congressman Dave Weldon (M.D.) observed

during the hearing that Dr. Kringsman, a gastroenterologist in private practice had managed to conduct a replication of the initial phase of Dr. Wakefield's research in the last year, something the NIH and CDC had failed to do in more than 4 years. Dr. Wakefield provided the committee with an update on research findings and provided copies of recently published research showing the presence of measles virus RNA in the intestines of normally developing children who became autistic after the receipt of the MMR vaccine and who also subsequently developed chronic irritable bowel conditions. Dr. Bradstreet provided testimony on laboratory findings, which show measles virus present in the cerebral spinal fluid of autistic children previously found to have measles virus in their intestines. These preliminary findings show a possible condition similar to subacute sclerosing panencephalitis (measles-related encephalitis). The committee received testimony regarding the severe allergic response to thimerosal by as much as 35 percent of the population. Dr. Stejskal presented testimony about the adverse health outcomes subsequent to prolonged allergic response to thimerosal. The committee had extensive discussion regarding the attempt of the CDC to utilize epidemiological studies to discredit clinical findings. It was observed during the hearing that to date, the government has provided an inadequate response to conduct clinical research that will answer the numerous vaccine-autism related questions.

34. *"The Department of Homeland Security: An Overview of the President's Proposal," June 20, 2002*

a. *Summary.*—The committee held a hearing to examine the President's proposal to create a Department of Homeland Security within the executive branch of the Federal Government. The committee received testimony from Governor Tom Ridge, the President's Homeland Security Advisor, and one of the principal architects of the President's plan.

At the hearing committee members discussed how the tragic events of September 11, 2001, revealed the organizational gaps that exist between all levels of government when it comes to protecting the United States from terrorist attacks. There are presently more than 100 different government agencies that have some responsibilities for homeland security. And, there is no single agency that is responsible for coordinating the activities of these agencies. Governor Ridge discussed how a new Department of Homeland Security would help reduce overlap, duplication and fragmentation in Federal homeland security activities and would improve coordination between Federal, State and local governments on homeland security issues.

Governor Ridge testified how the President's proposal would reorganize the Federal Government's homeland security structure. According to Governor Ridge, the President's proposal would pull together into a single department, functions and activities of dozens of agencies that currently have responsibility for aspects of homeland security. The new department would have a budget of \$37 billion and 170,000 employees, making it bigger than all other agencies besides the Department of Defense and the Department of Veterans Affairs.

The Department of Homeland Security would be headed by a Cabinet-level official whose primary mission would be to protect the people of the United States from terrorism. The specific missions of the department would be to: prevent terrorist attacks within the United States; reduce America's vulnerability to terrorism; and minimize the damage and speed the recovery from attacks that do occur.

On July 10, 2002, the committee held a business meeting to markup H.R. 5005, the "Homeland Security Act of 2002." H.R. 5005 was referred to the Government Reform Committee, which has jurisdiction over reorganizations of the executive branch. Sections of the bill were also referred to numerous other committees exercising jurisdiction over particular agencies. Following a marathon session lasting more than 15 hours, the committee reported the bill to the Select Ad Hoc Committee on Homeland Security with more than 30 amendments.

35. *"Diet, Physical Activity, and Dietary Supplements—the Scientific Basis For Improving Health, Saving Money, and Preserving Personal Choice," July 25, 2002*

a. Summary.—Testifying at this hearing were Diane Ladd, actress, film director, certified nutritional consultant; David Seckman, executive director and CEO, National Nutritional Foods Association; George Bray, M.D., boyd professor, Pennington Biomedical Research Center, Louisiana State University; Larry Kushi, Sc.D., associate director for Etiology and Prevention Research, Division of Research, Kaiser Permanent; Pamela Peeke, M.D., M.P.H., assistant clinical professor of medicine, University of Maryland School of Medicine, Adjunct Senior Scientist, National Institutes of Health; Timothy S. Church, M.D., M.P.H., senior associate director, medical and laboratory director, Division of Epidemiology and Clinical Applications, the Cooper Institute; David Heber, M.D., Ph.D., F.A.C.P., F.A.C.N., professor of medicine and public health, founding director of the University of California at Los Angeles, Center for Human Nutrition and the Division of Clinical Nutrition at the David Geffen School of Medicine at UCLA; Paul Coates, Ph.D., Director, Office of Dietary Supplements, National Institutes of Health; and William Dietz, M.D., Ph.D., Director, Division of Nutrition and Physical Activity, Centers for Disease Control and Prevention. National health expenditures are projected to reach \$2.8 trillion by the year 2011. It is projected that in the United States, by 2011, we will be spending 17 percent of the Gross Domestic Product [GDP] on health care. In June 2000, the World Health Organization published their first ever analysis of the world's health systems. They compared 191 countries and found that the United States ranked 37th out of 191, in spite of the fact that the United States spends more money than any other country on health care. It is estimated that about 85 percent of diseases and illnesses in the United States result from lifestyle decisions. Conversely, the adoption of healthy lifestyle choices, including moderate physical activity, a sensible diet and the appropriate use of dietary supplements, can improve health. As part of the committee's investigation, it has been learned that in addition to traditional use, there is a scientific basis for the wise use of vitamins,

minerals, and botanicals to improve health. Through research, we are learning which nutritional components are best obtained through diet and which are absorbed from supplements. As part of his Healthy U.S. Initiative, the President called for the adoption of the following four guideposts for improved health: 1) Be physically active every day; 2) Develop good eating habits; 3) Take advantage of preventative screenings; and 4) Don't smoke, don't do drugs, and don't drink excessively. The committee received testimony regarding the lack of nutritionally focused medical education, research regarding the benefit of a three-pronged approach to improved health—physical activity, diet, and nutritional supplements.

36. *“Airport Baggage Screening: Meeting Goals and Ensuring Safety—Are We on Target?” Atlanta, GA, August 7, 2002*

a. Summary.—This hearing was held to determine if the Department of Transportation [DOT], specifically the Transportation Security Administration [TSA], was on track to implement the congressionally mandated changes to airport baggage and passenger screening procedures prior to the deadlines that the Aviation and Transportation Security Act of 2001 imposed. The committee heard from DOT and TSA witnesses who confirmed the DOT's commitment to meeting the December 31, 2002, baggage-screening requirement. Other witnesses, including the airport manager at Atlanta's Hartsfield International Airport, expressed some concern over potential roadblocks to ensuring compliance, including the availability of bomb-detecting equipment, the availability of qualified personnel to operate the machinery and man passenger screening posts, as well as the over-arching question of who will provide the funding. There was no consensus on who is responsible for providing the funding—the Federal Government, the airlines, or the individual airport authorities. The committee will continue to monitor the TSA's performance.

37. *“Conflict with Iraq: An Israeli Perspective,” Thursday, September 12, 2002*

a. Summary.—The full committee held a hearing to examine the possibility of war with Iraq and how the potential for conflict is viewed in Israel. Testifying was the former Prime Minister of Israel, the Honorable Benjamin Netanyahu.

Former Prime Minister Netanyahu gave compelling testimony about how the United States should meet the increasing threat from Iraq. He also spoke eloquently on the potential impact on Israel if America does go to war with Iraq.

38. *“Continuing Oversight of the National Vaccine Injury Compensation Program,” September 18, 2002*

a. Summary.—Testifying at this hearing were Janet Zuhlke, parent of a vaccine injured child; Ron Homer, attorney for the Rogers family; Paul Clinton Harris, Sr., Deputy Associate Attorney General, Department of Justice; William Hobson, Director of the Office of Special Programs at the Health Services Research Administration, Department of Health and Human Services. The committee received an update on two cases reviewed in a 2001 hearing on the National Vaccine Injury Compensation. The chairman and the

ranking minority member, as well as over 40 Members of Congress cosponsored H.R. 3471, the National Vaccine Injury Compensation Program Improvement Act of 2002. Rachel Zuhlke was severely injured after she received her pre-kindergarten vaccinations in 1990. Today, Rachel is mentally retarded. She has periodic bouts of blindness that are getting progressively worse. She has seizures. She is confined to a wheelchair. She will need around the clock care for the rest of her life. Her mother filed a vaccine injury table claim in 1992. During the hearing, the committee learned from Mrs. Zuhlke that more than a year after a Special Master ruled she was entitled to compensation that she has yet to be compensated. Table injuries are supposed to receive compensation quickly and without opposition. Unfortunately, Janet had to fight for 9 years to get compensation. Thad Rogers previously testified before the committee on behalf of his wife, Diane. Ron Homer, the family's attorney returned, delivering a video testimony from the family because Diane was too ill for Thad to travel to the hearing. Diane Rogers received a routine tetanus vaccine in February 1991. She rapidly developed MS-like symptoms. She is now bedridden. The Special Master determined in 2001 that Mrs. Rogers is entitled to compensation under the program. The Government prior to the hearing had been reluctant to concede this case. The Justice Department appealed this decision and lost. Twice the Justice Department made motions for reconsideration and was rejected both times. The Department of Justice had notified the courts of its intention to appeal the case again. When the Attorney General was notified personally of this case, it was determined that it would be settled and that the Rogers family would receive their compensation.

39. *“Attention Deficit/Hyperactivity Disorder—Are We Over-Medicating Our Children?”* September 26, 2002

a. *Summary.*—Testifying at this hearing were Patricia Weathers, president, Parents for a Label and Drug Free Education; Mary Ann Block, D.O., author, No More Ritalin and No More ADHD, and medical director, the Block Center; Lisa Marie Presley, national spokesperson, Citizens' Commission on Human Rights; Bruce Wiseman, president, Citizens' Commission on Human Rights; Richard K. Nakamura, Ph.D., Acting Director, National Institute of Mental Health; E. Clarke Ross, chief executive officer of CHADD-Children and Adults with Attention Deficit/Hyperactivity Disorder; and David Fassler, M.D., representative, American Psychiatric Association, and American Academy of Child and Adolescent Psychiatry. The committee received testimony regarding the group of symptoms known as attention disorders, which include attention deficit disorder [ADD] and attention deficit hyperactive disorder. The most common treatment for these disorders is the controversial drug Ritalin. There has been a 500 percent increase in the use of Ritalin in the United States since 1990. It is estimated that 4 to 6 million children in the United States takes Ritalin daily. Ritalin is classified as a Schedule II stimulant under the Federal Controlled Substances Act. In order for a drug to be classified as a Schedule II it must meet three criteria: (1) have a high potential for abuse, (2) have a currently accepted medical use in treatment in the United States, and (3) show that abuse may lead to severe

psychological or physical dependence. Supporters of Ritalin report it to be only a "mild" stimulant. However, research published in 2001 in the *Journal of the American Medical Association* showed that Ritalin was a more potent transport inhibitor than cocaine. The big difference appears to be the time it takes for the drug to reach the brain. Inhaled or injected cocaine hits the brain in seconds, while pills of Ritalin normally consumed take about an hour to reach the brain. Like cocaine, chronic use of Ritalin produces psychomotor stimulant toxicity, including aggression, agitation, and disruption of food intake, weight loss, stereotypic movements and death. Of particular concern are reports of teachers and other school personnel offering a diagnosis of ADD or ADHD to parents with a suggestion or requirement that their child be medicated with a psychotropic drug as a condition of school attendance. Research is, as yet, inconclusive on whether Ritalin leads to future drug abuse. Schools often make this diagnosis because a child makes careless mistakes on homework, does not follow through on instructions, fails to finish schoolwork, has difficulty organizing tasks, loses things, and is forgetful in daily activities. The committee learned that doctors often fail to adequately evaluate a child whose teachers submit a form suggesting an ADD diagnosis and asking for treatment. Instead of blood tests and a thorough medical evaluation including: tests for thyroid disorders, heavy metal toxicity, allergies, food sensitivities, and diet, or discussion about the child's IQ and potential classroom boredom, physicians, pressed for time, often simply review the teachers' comments and write a prescription for Ritalin.

Of particular concern is the increased use of Ritalin being prescribed to very young children. A study published in the *Journal of the American Medical Association* in 2000 reported a dramatic increase in prescribing in children ages 2 to 4 years of age. 57 percent of 223 Michigan Medicaid enrollees younger than 4 years of age with a diagnosis of ADHD received at least one psychotropic medication to treat the condition during a 15-month period in 1995-1996. Ritalin and Clonidine were prescribed most often. Additionally, the authors found that in the Midwestern States Medicaid population there was a three-fold increase in total prescribing of stimulants between 1991 and 1995. There was a 3-fold increase in prescribing Ritalin, a 28-fold increase in prescribing Clonidine, and a 2.2 fold increase in prescribing of antidepressants. The research, which leads to the approval of these drugs, was not conducted using children this young. It is also difficult to properly diagnose a child with ADD or ADHD at 4 years of age. Testimony received during the testimony was broad-based, however, everyone agreed that the use of psychotropic drugs in children under the age of 6 was not recommended or supported in the science. Additionally, all witnesses who support the use of Ritalin and other drugs for ADD and ADHD verified that prescriptions are only one part of the multi-model treatment protocol. Behavioral and related therapies were essential as well. Dr. Mary Ann Bloch testified about non-drug approaches to treating the symptoms of ADD/ADHD. She reported that she consistently found that these children do not have ADHD, but instead have allergies, dietary problems, nutritional deficiencies, thyroid problems and learning difficulties that are caus-

ing their symptoms. All of these medical and educational problems can be treated, allowing the child to be successful in school and life, without being drugged.

40. *“Americans Kidnapped To Saudi Arabia: Is The Saudi Government Responsible?” Wednesday, October 2, 2002*

a. *Summary.*—The full committee held the first day of hearings to further review the cases in which U.S. citizens have been kidnapped to Saudi Arabia or otherwise held against their will in Saudi Arabia. Witnesses included: Samiah Seramur, accompanied by her daughter, Maha Al-Rehaili; Debra Docekal, accompanied by her son, Ramie Basrawi; Michael Rives, father of Lilly and Sami Rives; Maureen Dabbagh, mother of Nadia Dabbagh; Margaret McClain, mother of Heidi Al-Omary; and Joanna Stephenson Tonetti, mother of Rosemary, Sarah, and Abdulaziz Al-Arifi.

Samiah Seramur and her daughter Maha Al-Rehaili told the committee about Maha’s escape to the United States during a visit to Malaysia. Debra Docekal and her son Ramie Basrawi spoke about Ramie recent departure from Saudi Arabia and his experiences while he was being held in the Kingdom. Samiah Seramur and Debra Docekal also told the committee about their other children who are still in Saudi Arabia. Michael Rives and Maureen Dabbagh testified about their children who are being held in Saudi Arabia despite the fact that there is apparently no legal basis for the children to be held there. Joanna Stephenson Tonetti and Margaret McClain explain to the committee how their children were kidnapped from the United States with the complicity of the Saudi Government.

41. *“Americans Kidnapped To Saudi Arabia: Is The Saudi Government Responsible?” Thursday, October 3, 2002*

a. *Summary.*—The full committee held the second day of hearings to further review the cases in which U.S. citizens have been kidnapped to Saudi Arabia or otherwise held against their will in Saudi Arabia. Witnesses included: Michael Petruzzello, managing partner, Qorvis Communications; Michael Rives, father of Lilly and Sami Rives; Maureen Dabbagh, mother of Nadia Dabbagh, Margaret McClain, mother of Heidi Al-Omary; Joanna Stephenson Tonetti, mother of Rosemary, Sarah, and Abdulaziz Al-Arifi; the Honorable Raymond Mabus, former U.S. Ambassador to Saudi Arabia; Ryan Crocker, Deputy Assistant Secretary of State, Bureau of Near Eastern Affairs; and Dianne Andruch, Deputy Assistant Secretary of State, Bureau of Consular Affairs.

Michael Petruzzello, a paid representative of the Saudi Government, answered questions about the work Qorvis is performing for Saudi Arabia and the work done preparing the Saudi response to the child abduction issue. Michael Rives, Maureen Dabbagh, Margaret McClain, and Joanna Stephenson told the committee about their experiences with the Saudi Government and their representatives. Raymond Mabus testified about his experiences while in Saudi Arabia trying to resolve these cases and offered suggestions for future actions that may encourage the Saudis to resolve these cases. Ryan Crocker and Dianne Andruch addressed their efforts to secure the return of U.S. citizens from Saudi Arabia.

42. *"The Collapse of Executive Life Insurance Company and its Impact on Policyholders," October 10, 2002*

The collapse of the Executive Life Insurance Co. in California resulted in the loss of approximately \$2 billion to policyholders and taxpayers. This loss was due largely to the fraudulent purchase of the life insurance company's assets by a French Government owned bank, Credit Lyonnais. The committee, after conducting an investigation in California, held a hearing on October 10, 2002. The hearing featured testimony from several victims of the collapse, as well as testimony from senior officials in the California State Department of Insurance. Currently, Credit Lyonnais is under investigation by the Department of Justice and is undergoing a civil trial as well.

43. *"Mercury in Dental Amalgams: An Examination of the Science," November 14, 2002*

a. Summary.—Testifying at this hearing were Dr. Boyd Haley, professor and chair, Department of Chemistry, University of Kentucky; Dr. G. Mark Richardson, director and risk assessment specialist, Risklogic Scientific Services, Inc.; Dr. Richard D. Fischer, on behalf of the International Academy of Oral Medicine and Toxicology; Dr. J. Rodway Mackert, professor of oral rehabilitation, Medical College of Georgia Dental School, on behalf of the American Dental Association; Dr. Gregory Stout, president, National Dental Association; Mr. Michael Bender, director, Mercury Policy Project; Dr. Lawrence A. Tabak, Director, National Institute of Dental and Craniofacial Research, National Institutes of Health; Dr. David W. Feigal, Director, Center for Devices and Radiological Health, Food and Drug Administration.

This hearing continued the committee's investigation into medical exposures to mercury. The committee continues to be concerned that Americans continue to be needlessly exposed to mercury through medical products, such as vaccines and dental amalgams. Mercury in all forms is known to have an accumulative affect, with a potential for neurological and kidney damage. The committee received testimony from leading experts on mercury that indicate that dental amalgams remain a major contributing factor on the mercury body burden. Experts testified that the National Academy of Sciences has estimated that 60,000 children are born at risk for adverse neuro-developmental effects each year due to their mothers' exposure to methyl-mercury, and from a Center for Disease Control and Prevention study that suggests that 10 percent of American women of child-bearing age are at risk for having a baby born with neurological problems due to the in-utero mercury exposure, statistically representing 375,000 babies per year. Experts testified that dental amalgams ("silver fillings") contribute more mercury to the body burden in humans than all other sources (dietary, air, water, vaccines, etc.) combined. There is no scientific debate over the following facts regarding mercury from dental fillings: 1) Mercury is more toxic than lead, cadmium or even arsenic; 2) Mercury escapes from dental amalgam fillings continuously as a vapor; 3) 74–100 percent of inhaled mercury vapor is absorbed into the human body; and 4) Inhaled mercury vapor from dental fillings accumulates in the body to levels which cause path physi-

ology.” On the converse side of the discussion, Dr. Mackert on behalf of the American Dental Association argued, “dental amalgams and mercury are not the same thing.” Dr. Stoute agreed that all dental patients deserve the right to choose the most appropriate course of treatment. Very different conclusions were advanced by the witnesses about the safety of dental amalgams in the human body. The testimony about the environmental impacts of dental mercury was not challenged. The chairman pressed the Federal panelists to support independent research that was recommended by Dr. Haley and received what appeared to be reluctant support.

44. *“The Saudi Claim of Privilege: Must Saudi Lobbyists Comply With Subpoenas in the Committee’s Investigation of Child Abduction Cases?”* Wednesday, December 4, 2002

a. *Summary.*—The full committee held the first day of hearings to review the refusal to comply with the committee’s subpoenas by three firms that are representing Saudi Arabia in the United States, and have claimed that under the Vienna Convention on Diplomatic Relations, their documents are “documents and archives” of the Saudi Embassy, and are thus “inviolable.” Witnesses included: Pat Roush, mother of Alia and Aisha Gheshayan; Margaret McClain, mother of Heidi Al-Omary; and Eileen Denza, visiting professor of Law, University College London.

Pat Roush and Margaret McClain told the committee about their experiences with and lack of cooperation from the Saudi Arabian Government. Eileen Denza testified concerning her expertise on the Vienna Convention, stating the three companies did not have a valid claim. The committee sent subpoenas to representatives from Qorvis Communications, Patton Boggs LLP, and the Gallagher Group. However all three representatives did not make themselves available for service, and did not appear at this hearing.

45. *“The Justice Department’s Use of Informants in New England,”* December 5, 2002

a. *Summary.*—The committee heard testimony from former U.S. Attorneys for the District of Massachusetts Paul Markham and Jeremiah O’Sullivan. Markham was the lead prosecutor in the trial of New England Mafia head Raymond Patriarca. Markham testified that he reviewed information revealing that Patriarca authorized the murder of Edward Deegan. However, Markham did not attempt to prosecute Patriarca for this crime, and he said he did not pay attention to the Deegan case—in which innocent men were prosecuted—because it was a State rather than Federal prosecution. Former U.S. Attorney Jeremiah O’Sullivan also testified. O’Sullivan led the prosecution of a horse race-fixing case in which James “Whitey” Bulger and Stephen Flemmi escaped indictment despite evidence that they were both principals in the criminal conspiracy. O’Sullivan testified that he knew Bulger and Flemmi were murderers but exercised prosecutorial discretion in deciding not to indict them in the race-fixing case. When O’Sullivan assisted with a State investigation of Bulger and Flemmi, a senior FBI official “vociferously upbraided” and “berated” O’Sullivan because Bulger and Flemmi were FBI informants.

The committee also heard testimony from Sergeant Michael Huff of the Tulsa Police Department. Sergeant Huff testified about how the FBI's relationship with informants hampered Oklahoma law enforcement's investigation of the Roger Wheeler murder. Finally, Roger Wheeler's son David described the effect of his father's murder on his family, and he encouraged Congress to continue its investigation.

46. *"The Justice Department's Use of Informants in New England,"*
December 6, 2002

a. *Summary.*—The Committee subpoenaed the University of Massachusetts president, William M. Bulger, to testify about the following matters: former FBI Agent John Connolly's involvement in Bulger's campaigns for the Massachusetts State Senate; Connolly's involvement in investigations affecting Bulger; Bulger's knowledge of retaliatory measures taken against State employees; how Bulger became aware that his telephone was wiretapped; FBI agents providing Bulger with information about ongoing investigations; several meetings between Bulger's brother, James "Whitey" Bulger, and the FBI; whether tape recordings of meetings between James Bulger and FBI agents exist; and questions about James Bulger's current location. William Bulger appeared before the committee but refused to testify, invoking his fifth amendment right against compelled self-incrimination and other Constitutional protections.

47. *"Vaccines and the Autism Epidemic: Reviewing the Federal Government's Track Record and Charting a Course for the Future,"*
December 10, 2002

a. *Summary.*—Testifying at this hearing were David Baskin, M.D., professor of Neurological Surgery, Baylor College of Medicine; Mark Geier, M.D., Ph.D., Genetic Consultants of Maryland; Walter Spitzer, M.D., M.P.H., F.R.C.P.C., emeritus professor of epidemiology, McGill University; Karen Midthun, M.D., Director, Office of Vaccines Research and Review, Food and Drug Administration; Stephen Foote, Ph.D., Director, Division of Neuroscience and Basic Behavioral Science, National Institutes of Mental Health; Christopher Portier, Ph.D., Director, Environmental Toxicology Program, National Institute of Environmental Health Sciences. This hearing reviewed the Department of Health and Human Services response to the autism epidemic and potential links between pediatric vaccines and late-onset or acquired autism. Autism was once a rare condition, affecting only 1 in 10,000. This year, the National Institutes of Health estimates that 1 in 250 children in the United States is autistic. Nationwide, as many as 1.5 million Americans are believed to have some form of autism spectrum disorder. Based on government statistics, it's growing at a rate of 10–17 percent per year. A study conducted in California found that the rates of autism had tripled in 10 years. The evidence shows that the increased rates are not due to an expanded definition of autism, or better detection and diagnosis. The committee received testimony from experts who provided clear evidence that the public health response evaluating possible vaccine ties to autism has been inadequate and at times misguided. Two studies which have been rep-

resented in the media and by public health officials as clear proof that vaccines do not cause autism were discussed at length. The first, a Danish epidemiological study funded by the Centers for Disease Control and Prevention and published in the *New England Journal of Medicine*, reviewed the medical records of 500,000 children from the 1990's to determine if there was a correlation between the administration of the Measles, Mumps, Rubella [MMR] vaccine and the onset of autism. The committee learned that the study conducted in a country that stopped using thimerosal in the early 1990's could not have addressed the true context of a possible correlation between MMR and acquired autism because it could not address the correlating hypothesis that the cumulative exposure to mercury in childhood vaccines during prior to and in conjunction with the administration of the MMR vaccine skews the immune systems of some young children, making them more susceptible to injury from the measles virus in the MMR vaccine. If such interplay does exist, the Danish study would not have captured it. To date, HHS has failed to conduct or fund a replication of the Wakefield clinical studies in which he found measles RNA in the intestines of children who acquired autism after receiving the MMR vaccine and who developed chronic bowel conditions concomitantly. The second study discussed during the hearing was a University of Rochester study published in the *Lancet* in which they discuss the amount of mercury measured in the blood of children who received thimerosal-containing vaccines. Numerous methodological flaws were discussed. Concerns were raised that this study, funded by the National Institutes of Health, was published without a conflict of interest notification to the journal that the lead author has previously disclosed financial ties to the manufacturer of thimerosal and numerous vaccine manufacturers. Among the issues of concern is that the study population was small, that the delay of 3 to 28 days in taking blood, stool, and urine samples would not capture a true measure of mercury in the system. The study also measure mercury in the tissues and was not a true pharmacokinetic study. While it provided interesting observations confirming that mercury in healthy children is expelled mostly through stools, it offered no analysis of what possible effects the thimerosal might have had on these children or in children who do not properly excrete heavy metals they are exposed to. The FDA witness was unable to give an affirmative answer when asked by the chairman to confirm that thimerosal was indisputably safe. The chairman rebuked the Government witnesses for not adequately addressing the concerns of families and Congress regarding the safety of thimerosal in vaccines, for failing to require adequate safety studies prior to increased use of thimerosal in children's vaccines, and for not adequately addressing the needs of families of both vaccine injured and autistic children. The chairman called on the President to hold a White House Conference on Autism to bring address the autism epidemic and its potential causes.

48. *“The Saudi Claim of Privilege: Must Saudi Lobbyists Comply With Subpoenas in the Committee’s Investigation of Child Abduction Cases?”* Wednesday, December 11, 2002

a. *Summary.*—The full committee held the first day of hearings to review the refusal to comply with the committee’s subpoenas by three firms that are representing Saudi Arabia in the United States, and have claimed that under the Vienna Convention on Diplomatic Relations, their documents are “documents and archives” of the Saudi Embassy, and are thus “inviolable.” Witnesses included: Pat Roush, mother of Alia and Aisha Gheshayan; Margaret McClain, mother of Heidi Al-Omary; Michael Petruzzello, Qorvis Communications; Jack Deschauer, Patton Boggs LLP; Jamie Gallagher, the Gallagher Group; Maureen Mahoney, Latham and Watkins; and Morton Rosenberg, Specialist in American Public Law, Congressional Research Service.

Pat Roush and Margaret McClain told the committee about their experiences with and lack of cooperation from the Saudi Arabian Government. Michael Petruzzello, Jack Deschauer, and Jamie Gallagher explained their business dealings with Saudi Arabia concerning the child abduction issue, and why they have not complied with the committee’s subpoenas. Maureen Mahoney and Morton Rosenberg testified on their views on the merit of the claim of privilege under the Vienna Convention.

49. *“America’s Heroin Crisis, Colombian Heroin, and How We Can Improve Plan Colombia,”* December 12, 2002

a. *Summary.*—This hearing was held to bring attention to the Colombian heroin crisis in America, particularly on the East Coast. The committee heard from officials from the Department of State [DOS], Office on National Drug Control Policy [ONDCP], Drug Enforcement Administration [DEA], who claim that the administration is addressing the Colombian heroin issue. Other witnesses, including local police officers from Pennsylvania, Maine and Maryland, confirmed there is a Colombian heroin epidemic, and that more needs to be done to combat the scourge. The local police all said they needed more support, and that it would be much easier for them to do their jobs if the Federal Government took action and eradicated opium poppy crops in source countries before the heroin they produce could reach American streets and schools. DOS witnesses, including U.S. Ambassador to Colombia Anne Patterson, admitted she had made the decision to stop spraying opium poppy in favor of spraying coca, which is increasingly headed to Europe. DOS witnesses confirmed their commitment to eradicate up to 10,000 hectares of opium poppy in 2003. The committee will continue to monitor this issue to ensure that DOS fulfills its promise.

SUBCOMMITTEES

SUBCOMMITTEE ON THE CENSUS

Hon. Dan Miller, *Chairman*1. *“Oversight of the 2000 Census: The Success of the 2000 Census,”
February 14, 2001*

a. Summary.—The 1990 census marked the first time that decennial census response rates fell from the previous census. More troubling was the growth of the “differential undercount.” The differential undercount represents the groups of people, usually minority groups and those of low income, traditionally missed in the census. The Director of the Census Dr. Kenneth Prewitt predicted the 2000 census would have falling response rates and an even larger undercount than 1990. In fact, many “experts” in both the private and public sectors did not believe further coverage improvements were possible, citing statistical methodologies such as sampling for non-response follow-up and adjustment as the only remaining ways to reduce the undercount. Upon the completion of the 2000 census, however, the Bureau officials determined that census 2000 surpassed the accuracy of the 1990 census. Congress contributed a great deal to the effectiveness of the census by apportioning an unprecedented \$6.7 billion for the decade and \$4.5 billion for fiscal year 2000 alone.

The Subcommittee on the Census held this hearing to explore four main topics: to determine the effectiveness of the census; evaluate the size of the undercount; ascertain the current status of the ongoing adjustment decision; and, evaluate the review called for in that year’s appropriations language for the Census Bureau to count Americans abroad. Acting Census Bureau Director Bill Barron was the main witness of this hearing.

2. *“BEA: Is the GDP Accurately Measuring the U.S. Economy?”
April 5, 2001*

a. Summary.—The hearing covered many topics relating to the Gross Domestic Product’s reflection of the state including President Bush’s fiscal year 2002 budget increase of the Bureau of Economic Analysis [BEA]. In addition, the subcommittee considered challenges that the Census Bureau’s proposed ACS survey would pose to BEA data users if enacted due to the resulting smaller sample group and data calculated on a 3 year average. Also discussed was the matter of data sharing and whether standard protocols should be applied to Federal agencies such as the BEA, Bureau of Labor Statistics and the Census Bureau. Last, Chairman Miller discussed with the panel of testifying economists how insufficient the traditional indicators of industrial productivity were to gauge the value of goods and services in much of the economy of today and how BEA is struggling with ways to measure value in the information age.

3. *“Oversight of the Census Bureau’s Proposed American Community Survey [ACS],” June 13, 2001*

a. Summary.—The Bureau of the Census is currently testing a proposed alternative to the decennial census long form called the American Community Survey [ACS]. If funded by Congress, the ACS will be fully implemented in 2003 and will be distributed to 250,000 households monthly, for an annual sample size of 3 million households. The 10-year sample size will contain 30 million households. The somewhat problematic 2000 decennial census long form was delivered to 1 in every 6 households nationwide (although a greater percentage of rural households received the form). The long form included the 7 population questions asked on the decennial census short form and an additional 46 questions for a total of 53 questions. The ACS survey asks respondents to answer 69 questions. This second subcommittee hearing on the ACS served to further analyze the legal basis and process by which questions should be added or removed from the ACS survey based on data necessity and personal privacy concerns. In addition, the hearing served to discuss the accuracy and timeliness of the data collected through the ACS. Ultimately, privacy concerns must be reconciled to determine whether the American Community Survey is the best means by which to collect the demographic information required for implementing our Federal programs and informing public policy decisions.

4. *“Americans Abroad: How Can We Count Them?” July 26, 2001*

a. Summary.—It is estimated that millions of American citizens live and work abroad. Many of these citizens pay taxes and vote in the United States and wish to be counted in the census. The Census Bureau currently enumerates American military personnel and other Federal employees living overseas, but does not count private American citizens who live abroad. The Subcommittee on the Census held a hearing on this topic in June 1999 and planned to continue the discussions with a panel comprised of American citizens’ organizations abroad.

As directed by language in its fiscal year 2001 budget, the Census Bureau had been in the process of studying the viability of including such Americans in future censuses, and it submitted a written report to Congress at the end of September outlining the questions that remained regarding counting Americans living abroad. Among these questions were: Who can be considered an American citizen, and for what would the data collected be used (redistricting or reapportionment)?

SUBCOMMITTEE ON CIVIL SERVICE, CENSUS AND AGENCY
ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. *Joint Hearing: “The National Security Implications of the Human Capital Crisis,” March 29, 2001*

a. Summary.—The hearing examined how the human capital crisis is affecting the national security establishment, with a par-

particular focus on the Department of Defense civilian workforce, and the projected trend lines for the future.

The witnesses testifying at this hearing were: The Honorable James R. Schlesinger, Commissioner, U.S. Commission on National Security/21st Century; Admiral Harry D. Train, USN, Ret., Commissioner, U.S. Commission on National Security/21st Century; Mr. Henry L. Hinton, Jr., Managing Director, Defense Capabilities and Management, U.S. General Accounting Office; and Mr. Robert J. Lieberman, Deputy Inspector General, Department of Defense.

2. *“Health Care Inflation and Its Impact on the FEHBP,” October 16, 2001*

a. Summary.—This hearing addressed the causes of premium increases in the Federal Employees Health Benefits Program, as well as the continuing exodus of HMOs from the program. The subcommittee examined limitations in current law and administrative practice that might stifle competition and innovation and explored market-based approaches to ameliorating these problems.

The witnesses testifying at this hearing were: The Honorable Tom A. Coburn, M.D., former Member of Congress; William E. Flynn III, Associate Director, Retirement and Insurance Services, Office of Personnel Management; Stephen W. Gammarino, senior vice president, BlueCross BlueShield Association; Colleen M. Kelley, president, National Treasury Employees Union; Lawrence Mirel, commissioner, District of Columbia, Department of Insurance and Securities Regulation; Robert Moffit, director, Domestic Policy Studies, the Heritage Foundation.

3. *“Reforming Government: Federal Sunset Act of 2001”, April 21, 2002*

a. Summary.—The hearing examined the need for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need for such agencies, and to provide for the abolishment of agencies for which public need does not exist.

The witnesses testifying at this hearing were: Representative Kevin Brady (R-TX); Representative Jim Turner (D-TX); the Honorable Mark Everson, Controller, Office of Federal Financial Management, Office of Management and Budget; Tom Schatz, president, Citizens Against Government Waste; Chris R. Edwards, director of fiscal policy studies, Cato Institute; John Berthoud, president, National Taxpayers Union.

4. *“Cafeteria Benefit Plans: More Value for Federal Employees?” May 21, 2002*

a. Summary.—The hearing examined cafeteria plans as a method to allow Federal employees to tailor benefits to their own needs. The hearing demonstrated that cafeteria plans will allow employees to maximize the value of the benefits offered by the Federal Government and would enhance the Federal Government’s ability to compete for and retain well-qualified employees.

The witnesses testifying at this hearing were: David Wilson, president, Flex Ben Corp.; Marjorie Young, commissioner, Georgia Merit System; Derrick Thomas, national vice-president, 2nd Dis-

tract, American Federation of Government Employees; Leslie Schneider, senior benefits consultant, the Hay Group; the Honorable Dennis Jacobs, U.S. Court of Appeals, Second Circuit.

5. *“Combating Terrorism: Improving the Federal Response,” June 11, 2002, joint hearing with the Subcommittee on National Security, Veterans Affairs, and International Relations*

a. Summary.—The purpose of this hearing was to examine the bill, H.R. 4660, the National Homeland Security and Combating Terrorism Act of 2002, introduced to establish a Department of Homeland Security and the National Office for Combating Terrorism. The bill proposes to reorganize the counterterrorism structure.

The witnesses testifying at this hearing were: the Honorable Mac Thornberry (TX–13), the Honorable Jane Harman (CA–36), the Honorable Jim Gibbons (NV–2), the Honorable Ellen O. Tauscher (CA–10), the Honorable Joseph Lieberman (D–CT), the Honorable Arlen Specter (R–PA), the Honorable Warren Rudman, Admiral Thomas Collings, Mr. Bruce Baughman, Mr. Douglas Browning, Mr. Robert Acord, Mr. John Tritak, and Mr. Larry Mefford.

6. *“Homeland Security: Should Consular Affairs be Transferred to the new Department of Homeland Security?” June 26, 2002*

a. Summary.—This hearing examined one of the most vital components of the President’s Homeland Security proposal—visa issuance and whether this function should be moved in its entirety from the State Department to the new Department on Homeland Security.

The witnesses testifying at this hearing were: Grant S. Green, Jr., Under Secretary for Management, U.S. Department of State; Paul Light, vice president and director of governmental studies, the Brookings Institution; Wayne E. Merry, senior associate, American Foreign Policy Council; Nikolai Wenzel, director of academic programs, Atlas Economic Research Foundation; Joel Mowbray, attorney, contributing editor, National Review Online.

7. *“Strengthening America’s Borders: Should The Issuing of Visas be Viewed as a Diplomatic Tool or Security Measure?” Field hearing, Kissimmee, FL, July 15, 2002*

a. Summary.—This hearing was to determine whether visa issuance should be moved from the Department of State to the new Department of Homeland Security. It focused on the importance of visas as the Nation’s front line against terrorism to local law enforcement and the hospitality industry.

The witnesses testifying at this hearing were: John Klein, deputy chief, city of Kissimmee Police Department; Lt. Ken Glantz, Office of Homeland Security, Orange County Sheriff’s Office; Tim Hemp-hill, executive director, Kissimmee-St. Cloud Convention and Visitors Bureau; Mike Horner, president, Kissimmee/Osceola County Chamber of Commerce; John J. Tkacik, Jr., research fellow, Asian Studies Center, the Heritage Foundation; Carl C. Risch, Attorney and Former Foreign Service Consular Officer.

8. *“Recent Developments in the FEHBP,” December 11, 2002*

a. Summary.—The purpose of this hearing is to review major developments in the FEHBP program and to consider proposals for reforming it, allowing the improvement of the quality and accessibility of health benefits options for Federal workers.

The witnesses testifying at this hearing were: Representative Steny Hoyer (D–MD), Dan Blair, Deputy Director, U.S. Office of Personnel Management, Walt Francis, economist and author, Carroll Midgett, chief executive officer, American Postal Worker’s Union, Colleen Kelly, president, National Treasury Employee’s Union, Charles Fallis, president, National Association of Retired Federal Employees, Bobby Harnage, president, American Federation of Government Employees, and Greg Scandlen, consultant.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

Hon. Mark E. Souder, *Chairman*

1. *“The Study of Plan Colombia: An Assessment of Successes and Challenges,” March 2, 2001*

a. Summary.—The subcommittee heard testimony from several witnesses on the current status of implementation of Plan Colombia, a Colombian Government initiative that involves drug interdiction operations, eradication of coca and poppy crops, alternative development opportunities, and boosting democratic institutions. Witnesses indicated that the initial equipment and training provided by the Department of State and Department of Defense quickly jump-started the Colombian Army and Colombian National Police’s tactical operations. Testimony suggested that the full impact of Plan Colombia, was not yet really being seen due to the lead times associated with ordering and delivering of new equipment and slow progress in alternative development programs and judicial reform efforts.

Witnesses included Rand Beers, Assistant Secretary Bureau of International Narcotics [INL] Department of State, General Peter Pace, Commander-in-Chief, U.S. Southern Command (SOUTHCOM), Donnie Marshall, Administrator, Drug Enforcement Administration, and Robert Newberry, Principal Deputy Assistant of Defense for Special Operations and Low Intensity Conflict, Department of Defense.

2. *“‘Medical’ Marijuana, Federal Drug Law and the Constitution’s Supremacy Clause,” March 27, 2001*

a. Summary.—The subcommittee received testimony from concerned citizens and others regarding the effects which State laws and initiatives purporting to allow the so-called “medicinal” use of marijuana and other federally controlled substances have had on the enforcement of Federal narcotics law. Witnesses generally agreed that such initiatives were founded on questionable medical science, had impaired the enforcement and function of Federal controlled substances laws, and that careful consideration was warranted of an appropriate Federal enforcement strategy.

Witnesses included Mrs. Betty Sembler, founder and Chair of the Drug Free America Foundation, Mrs. Joyce Nalepka of America Cares, Mr. Rob Kampia of the Marijuana Policy Project, Ms. Laura Nagel, Deputy Associate Administrator for Diversion Control of the Drug Enforcement Administration, the Honorable Bill McCollum, the Honorable Dan Lungren, and Dr. Janet Joy of the Institute of Medicine.

3. *“What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?” April 13, 2001, San Diego field hearing*

a. *Summary.*—This hearing was a joint hearing with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations as part of a larger series of hearings on barriers to intergovernmental cooperation. The hearing specifically focused on barriers to effective intergovernmental efforts to stop the flow of illegal drugs.

The subcommittee received testimony from local State and Federal officials on their joint efforts to stop drugs. Witnesses included: Roosevelt “Rosey” Grier, chairman of the Board, Impact Urban America; Estean Hanson Lenyou III, president and chief executive officer, Impact Urban America, and Errol Chavez, Special Agent-In-Charge, San Diego Division, U.S. Drug Enforcement Administration.

The witnesses indicated generally that the local, State and Federal officials worked well together. However all agencies along the border need additional resources. Rosey Grier testified about the success of a faith-based drug treatment program he helped start in the city center of San Diego.

4. *“The Role of Community and Faith-Based Organizations in Providing Effective Social Services,” April 26, 2001*

a. *Summary.*—The subcommittee heard testimony from the Director of the White House Office of Faith-Based and Community Initiatives about how and why the Federal Government should promote faith-based and secular grassroots initiatives in the provision of social services. State and local service providers and intermediaries testified about the practical aspects of how they provide and promote effective services. Generally, witnesses suggested that community and faith-based organizations are particularly effective resources in assisting individuals in need. The issue of charitable choice was raised by members of the subcommittee, as well as invited Members of Congress. Questions and comments focused on the potential for discrimination in hiring practices, excessive entanglement in congregational affairs, accountability of faith and community-based organizations, use of Federal funds for proselitization, and diluting the effectiveness of faith groups.

Witnesses included Dr. John J. DiIulio, Jr., director, White House Office of Faith-Based & Community Initiatives; Katie Humphreys Secretary, Indiana Family & Social Services Administration; Debby Kratky, client systems manager, Work Advantage; Loren Snippe, director, Ottawa County Family Independence Program; Donna Jones, pastor, Cookman United Methodist Church; Bill Raymond, president, Faithworks Consulting Service; and

Donna Jones Stanley, executive director, Associated Black Charities.

5. *“U.S. Air Interdiction Efforts in South America After The Peru Incident,” May 1, 2001*

a. Summary.—The subcommittee received testimony from several witnesses on the background, history and importance of U.S. air interdiction programs and policies, with special emphasis on the mistaken Peruvian Air Force shoot down of a missionary plane that resulted in the loss of two American lives. Witnesses generally agreed that the U.S./Peru air-bridge denial program had been successful over the past 5 years in interdicting illegal drug smuggling by air, but suggested that air-bridge denial programs should be suspended pending a formal State Department investigation to identify new measures and safeguards required to avert another tragedy.

Witnesses included Pete Hoekstra, Member of Congress; Curt Weldon, Member of Congress; Bob Brown, Acting Deputy Director for Supply Reduction, Office of National Drug Control Policy; Donnie Marshall, Administrator, Drug Enforcement Administration; Chuck Winwood, Acting Commissioner, U.S. Customs Service; Joe Crow, Director of Latin American and Caribbean Programs, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Rear Admiral David Belz, USCG, Director of the Joint Interagency Task Force East; Pete West, National Business Aviation Association; Adam Isacson, Center for International Policy; and Andy Messing, National Defense Council Foundation.

6. *“The Effectiveness of Faith Based Drug Treatment,” May 23, 2001*

a. Summary.—During this hearing the subcommittee examined a variety of large and small faith-based programs to assess their effectiveness and also whether regulatory barriers exist that prevent or undermine faith-based organizations from participating in the provision of these services. On May 10, President Bush directed Director John DiIulio of the Office of Faith-Based and Community Initiatives to complete an inventory of existing Federal partnerships with faith-based and community anti-drug partnerships within 30 days. This hearing was a sampling of that larger inventory.

Hearing witnesses included a variety of faith-based providers, including representatives from Teen Challenge, House of Hope, an Indiana church-based program and an inner city program receiving Federal dollars. The faith-based witnesses testified they would not want Federal money if they had to dilute their faith-based message. All witnesses indicated a need for resources and a desire to improve evaluation of their programs. Teen Challenge and House of Hope testified that they experienced a success rate of 80–90 percent, and attributed this high success rate to their faith message. Some of the proponents of faith-based drug treatment programs argued that these programs can be more effective and often less costly than publicly funded programs.

7. "H.R. 2291, *Reauthorization of the Drug-Free Communities Act*,"
June 28, 2001

a. *Summary.*—The subcommittee heard testimony from a number of witnesses in support of H.R. 2291, the Reauthorization of the Drug-Free Communities Act. The DFCA (21 U.S.C. §§ 1521 et seq.), an amendment to the National Narcotics Leadership Act of 1988, provides for direct grants of up to \$100,000 per year to community organizations demonstrating a comprehensive, long-term commitment to reduce substance abuse among youth. The DFCA program was intended, among other things, to strengthen collaboration among communities, the Federal Government, and State, local and tribal governments, to serve as a catalyst for increased citizen participation in community anti-drug efforts, and to re-channel Federal anti-drug resources and information to local communities. The DFCA is administered by the White House Office of National Drug Control Policy [ONDCP], but the actual evaluation and awarding of grants to anti-drug coalitions is carried out by the Office of Juvenile Justice and Delinquency Prevention [OJJDP], a division of the Department of Justice.

As originally drafted and referred to the subcommittee, H.R. 2291 reauthorized DFCA for an additional 5 fiscal years, and greatly increased its funding levels (up to a maximum of \$75 million in fiscal year 2007). The bill also increased the cap on the amount of DFCA funds that could be spent on administrative overhead from 3 percent to 8 percent per year. Additional provisions included the creation of a new grant (of up to \$75,000 per year) to support the mentoring of new coalitions by established coalitions, and the authorization of \$2 million for the establishment of a National Community Antidrug Coalition Institute (the "Institute") by an eligible national nonprofit organization that represents, provides technical assistance to, and has expertise and experience in working with DFCA grant recipients.

At the hearing, the subcommittee heard testimony from H.R. 2291's sponsors, Representative Rob Portman of Ohio and Representative Sander Levin of Michigan; from representatives of the principal agencies administering DFCA, Dr. Donald M. Vereen, Jr., Deputy Director of the Office of National Drug Control Policy; and Mr. John J. Wilson, Acting Director of the Office of Juvenile Justice and Delinquency Prevention; and from representatives of the coalitions receiving grants under DFCA, Gen. Arthur T. Dean (retired), chairman and CEO of the Community Anti-Drug Coalitions of America [CADCA]; the Hon. Michael Kramer, Judge of the Noble County Superior Court, Indiana, Chair of Drug-Free Noble County and Member of the Advisory Board of CADCA; and Mr. Lawrence Couch, program manager of the Montgomery County Partnership, Maryland.

Each of the witnesses expressed their support for H.R. 2291 and testified to the success of the DFCA program. Chairman Mark Souder and the other members of the subcommittee were supportive of the DFCA, but asked a number of questions about how administrative costs could be minimized so that as many dollars as possible could be given directly to the local coalitions. Ranking Minority Member Elijah Cummings asked whether the mentoring

grants could be given preferentially to those assisting coalitions in economically disadvantaged communities.

Based on the information obtained at the hearing, the subcommittee made several amendments to H.R. 2291 at markup and recommended its passage to the full committee. The amendments included increasing the authorized funding in the final years (to a maximum of \$99 million in fiscal year 2007), capping the administrative costs at 6 percent per year, requiring that ONDCP ensure that there be no duplication of administrative tasks among the agencies and the Institute, and requiring that preference for mentoring grants be given to those serving coalitions in economically disadvantaged areas.

8. *“The Methamphetamine Problem in America: Growth and Trends,” July 12, 2001*

a. Summary.—The subcommittee heard testimony concerning the growth of methamphetamine trafficking and abuse in the United States, and potential ways in which this problem could be addressed. The witnesses explained how methamphetamine use and production had spread from California to the Pacific Northwest, the Midwest, and the South, how serious the health and environmental threats from this drug were, and the ways in which methamphetamine abuse could be fought through a combination of law enforcement and treatment options.

Witnesses included Joseph D. Keefe, Chief of Operations of the Drug Enforcement Administration; Ron Brooks, chairman of the National Narcotic Officers Associations Coalition; Sheriff Doug Dukes and Deputy Sheriff Doug Harp of the Noble County, Indiana Sheriff’s Department; Henry Serrano, chief of police of the Citrus Heights, California Police Department; and Susan Rook, Public Affairs Director of Step One.

9. *“Opportunities and Advancements in Stem Cell Research,” July 17, 2001*

a. Summary.—The subcommittee examined the status of Federal policy and law regarding stem cell research funding, the current clinical uses and potential future uses of stem cells and the alternatives to destroying human embryos to obtain stem cells. The subcommittee heard from scientific experts, patient advocates, as well as families with children who were adopted as embryos.

The witnesses included: Marlene, John and Hannah Strege (the first ever adopted embryo family); John, Lucinda, Mark and Luke Borden (adopted embryo family with twins); Joann Davidson of the Christian Adoption & Family Services Agency (an embryo adoption agency); Nathan Salley (a leukemia patient successfully treated with stem cells from cord blood); Ms. Joan Samuelson of the Parkinson’s Action Network; David Arthur Prentice, PhD of Indiana State University, Department of Life Sciences; Carl Christopher (Chris) Hook, MD, of the Mayo Clinic in Rochester, MN; Gerald D. Fischbach, M.D., vice president for health and biomedical sciences and dean of the Faculty of Medicine at Columbia University Health Sciences; and Mollie and Jackie Singer with the Juvenile Diabetes Research Foundation International.

The testimony focused on the alternatives that exist to stem cell research requiring the destruction of living human embryos. These alternatives include research using stem cells from adult sources and cord blood and placentas as well as opportunities for adoption of “spare” embryos. As of today, the only clinically successful stem cell therapies involve cells derived from non-embryonic sources and no therapies have been developed using embryonic stem cells.

This has been the only congressional hearing to date that has focused on the ethical alternatives to stem cell research that requires the destruction of living human embryos. It is also the only hearing that has explored the alternative to destruction of these embryos, which is adoption.

10. *“The National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively,” August 1, 2001*

a. Summary.—The subcommittee held an oversight hearing on the National Youth Anti-Drug Media Campaign. The hearing examined the effectiveness and efficiency of the National Youth Anti-Drug Media Campaign, now in its 4th year. At roughly \$1 billion, this 5-year media campaign is the largest government-sponsored and government-funded campaign of its kind in history. The Office of National Drug Control Policy is responsible for conducting and administering the National Youth Anti-Drug Media Campaign. Witnesses included the Acting Director of ONDCP, Ed Jurith; Mr. Bernard L. Ungar, Director, Physical Infrastructure Team, General Accounting Office; Captain Mark D. Westin, contract administration, Fleet & Industrial Supply Center, Norfolk Washington Detachment, Department of the Navy; Ms. Susan Davis, Deputy Chief of the Prevention Research Branch, National Institute on Drug Abuse.

Mr. Jurith testified that ONDCP would need to evaluate whether to re-bid the contract or simply continue with the prime contractor, Ogilvy & Mather. The General Accounting Office discussed its findings regarding possible irregularities in the administration of the contract by Ogilvy and Mather. Some subcommittee members expressed disapproval of even the possibility of continuing with Ogilvy because of their track record. The subcommittee recommended that ONDCP continue heightened diligence with contract administration to assure that this \$1 billion media campaign succeeds.

11. *“Drug Trade and the Terror Network,” October 2, 2001*

a. Summary.—The subcommittee heard testimony that detailed the extent to which narcotics trafficking has provided funding and support for the Taliban regime in Afghanistan, the al-Qaeda terrorist organization headed by Osama Bin Laden, and other terrorist organizations worldwide. The witnesses confirmed that the Taliban had directly benefited from all aspects of the Afghan opium trade, mainly through taxation. Despite a much-heralded Taliban prohibition on opium poppy cultivation and a significant decrease in opium production in 2001, testimony strongly suggested that the Taliban had been engaged in major stockpiling of opium, forcing the local price to substantially increase and allowing the Taliban

to continue profiting from the drug trade. The witnesses stressed that the United States would be ill advised to ignore the extent to which the profits from the drug trade are directed to finance terrorist activities.

The witnesses included Asa Hutchinson, Administrator, Drug Enforcement Agency; and Bill Bach, Director, Office of Asia, Africa, Europe, and NIS Programs, Department of State.

12. *“Keeping a Strong Federal Law Enforcement Work Force,” October 17, 2001*

a. *Summary.*—The subcommittee heard testimony concerning the extent to which manpower, work hours, agent compensation, infrastructure and other factors affect the ability of the U.S. Customs Service, the U.S. Marshals Service, the Immigration and Naturalization Service and the U.S. Border Patrol to carry out their law enforcement functions. Witnesses from each of these agencies explained to the subcommittee how their agencies were being challenged to meet the growing burden of counter-terrorism in the aftermath of the September 11, 2001, attacks, even as they struggled to meet their other law enforcement missions. The subcommittee was presented with several proposals to improve pay and benefits in order to improve the hiring and retention of officers at these agencies.

Witnesses included Commissioner James Ziglar of the U.S. Immigration and Naturalization Service; Robert M. Smith, Assistant Commissioner of the Office of Human Resources Management, U.S. Customs Service; and Gary E. Mead, Assistant Director of Business Services, U.S. Marshals Service.

13. *“Improving Security And Facilitating Commerce At The Northern Border,” field hearings at Highgate Springs, VT, and Champlain, NY, October 28–29, 2001*

a. *Summary.*—The subcommittee held the first of its ongoing series of field hearings at the Nation’s border crossings concerning ways to improve security while also easing burdens on trade and travel. These first field hearings were held at Highgate Springs, VT, and Champlain, NY. The subcommittee heard testimony from supervisors and employees of the principal agencies entrusted with manning the border crossings, from a representative of the Canadian parliament, and from representatives of community and business leaders from both the United States and Canadian sides of the border. A number of proposals to improve security and efficiency at the border were suggested to the subcommittee.

Witnesses at Highgate Springs, VT, included Mr. Jean Ouellette, District Director of the U.S. Immigration and Naturalization Service; Mr. Philip W. Spayd, District Field Officer of the U.S. Customs Service; Mr. Denis Paradis, Member of Parliament of Canada, House of Commons; Mr. Sylvain Dion, president, Distribution Marcel Dion; Mr. Gilles Lariviere, president, West Brome Mill; Mr. Stephen Duchaine, president of the Highgate Springs Chapter, American Federation of Government Employees, Immigration and Naturalization Service Council; Mr. Tim Smith, executive director of the Franklin County Industrial Development Corp.; Mr. Chad Tsounis, director of the St. Albans Chamber of Commerce; and Mr.

John Wilda, president of Chapter 142, National Treasury Employees Union. Witnesses at Champlain, NY, included the Hon. Ron Stafford, New York State Senator; Mr. Michael Dambrosio, District Field Officer of the U.S. Customs Service; Ms. Francis Holmes, District Director of the U.S. Immigration and Naturalization Service; Mr. Garry Douglas, executive director of the Plattsburgh-North Country Chamber of Commerce; Mr. Carl Duford, president of the Champlain Chapter, American Federation of Government Employees, Immigration and Naturalization Service Council; and Mr. Thomas Keefe, president, St. Lawrence Chapter 138, National Treasury Employees Union.

14. *“Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?” October 31, 2001*

a. *Summary.*—This joint hearing was held by the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations; the Subcommittee on Criminal Justice, Drug Policy and Human Resources; and the Subcommittee on National Security, Veterans Affairs and International Relations. Testimony from Federal agency witnesses suggested a general willingness to share information with other Federal agencies, as well as State and local law enforcement agencies. At the same time, however, Federal officials identified cultural, technological, and training barriers to information sharing. Testimony from State and local officials emphasized that they are on the front lines of homeland defense when emergencies arise. They noted that the Federal Government could do more to promote information sharing by increasing funding to the local level, allowing more access to classified information, and by seeking State and local participation on law enforcement task forces.

The panel included Asa Hutchinson, Administrator, Drug Enforcement Agency; Richard R. Nedelkoff, Director, Bureau of Justice Assistance, Department of Justice; Kathleen L. McChesney, Assistant Director, Training Division, Federal Bureau of Investigation; Joe Green, Deputy Associate Commissioner for Field Operations, Immigration and Naturalization Service; John F. Timoney, commissioner, Philadelphia Police Department; Edward T. Norris, commissioner, Baltimore Police Department; Charles H. Ramsey, chief, Washington Metropolitan Police Department; William Dwyer, chief, Farmington Police Department, representing Michigan Chiefs of Police Association; and Scott L. King, mayor, Gary, IN.

15. *“Federal Law Enforcement: Long-Term Implications of Homeland Security Needs,” December 5, 2001*

a. *Summary.*—The subcommittee discussed with the heads of several law enforcement agencies the impact that emphasis on homeland security requirements in the wake of the September 11, 2001 terrorist attacks had had on execution of their more customary missions. The agency heads provided testimony regarding the immediate impact which increased law enforcement requirements had on their operations, and discussed the status of short and long-term planning to ensure that appropriate resources would be made available for ongoing law enforcement needs.

The panel included Admiral James Loy, Commandant of the U.S. Coast Guard; Robert Bonner, Commissioner of the U.S. Customs Service; James Ziglar, Commissioner of the U.S. Immigration and Naturalization Service; Asa Hutchinson, Administrator of the Drug Enforcement Administration; and Frank Gallagher, Deputy Assistant Director of the Federal Bureau of Investigation.

16. *“Improving Security And Facilitating Commerce At The Northern Border,” field hearing at Blaine, WA, December 10, 2001*

a. Summary.—The subcommittee held another in its ongoing series of field hearings at the Nation’s border crossings concerning ways to improve security while also easing burdens on trade and travel, this time at Blaine, WA. As at Highgate Springs and Champlain, the subcommittee again heard testimony from supervisors and employees of the principal agencies entrusted with manning the border crossings and patrolling the region’s borders and waterways, from a representative of the Canadian parliament, and from representatives of community and business leaders from both the United States and Canadian sides of the border. The subcommittee heard similar proposals to improve security and efficiency at the border.

Witnesses included Rear Admiral Erroll M. Brown, Commander of the 13th U.S. Coast Guard District; Mr. Thomas W. Hardy, Director of Field Operations, Northwest Great Plains Customs Management Center, U.S. Customs Service; Mr. Robert S. Coleman, Jr., Director of the Seattle District, Immigration and Naturalization Service; Mr. Ronald H. Henley, Chief Patrol Agent of the Blaine Sector, U.S. Border Patrol; Ms. Val Meredith, Member of Canadian Parliament, House of Commons; Mr. David Andersson, president of the Pacific Corridor Enterprise Council; Ms. Terry Preshaw, member of the Vancouver Board of Trade; Mr. Gordon Schaffer, president-elect of the White Rock & South Surrey Chamber of Commerce; Hon. Georgia Gardner, Washington State Senator; Mr. Pete Kremen, Whatcom County executive; Mr. Jim Miller, executive director of the Whatcom Council of Governments; Ms. Pam Christianson, president of the Blaine Chamber of Commerce; Mr. Barry Clement, president of the National Treasury Employees Union, Chapter 164; and Mr. Jerry Emory, vice president of the American Federation of Government Employees, National INS Council, Local 40.

17. *“Improving Security and Facilitating Commerce at the Southern Border,” field hearing at San Diego, CA, January 31, 2002*

a. Summary.—The subcommittee held the fourth of its ongoing series of field hearings at the Nation’s border crossings in San Diego, CA. The subcommittee heard testimony from representatives of the local and city government, concerned members of the community, representatives of the local business community, and supervisors of the Federal agencies entrusted with protecting our Nation’s border. The subcommittee and witnesses discussed the significant issues of illegal immigration, cross-border crime, and drug trafficking facing the local community, as well as potential solutions.

Witnesses included Ms. Adele Fasano, District Director of the Immigration and Naturalization Service, San Diego District Office; Mr. Rex Applegate, Assistant Director of Mission Support and Field Operations, Southern California Customs Management Center, U.S. Customs Service; Mr. William T. Veal, Chief Patrol Agent, U.S. Border Patrol, San Diego Sector; Ms. Dianne Jacob, San Diego County supervisor; Mr. Roger Hedgecock, former mayor of San Diego and commentator for KOGO Radio; Ms. Donna Tisdale, chairman, Boulevard Sponsor Group; Ms. Murial Watson, founder, Light Up the Border; Ms. Teresa Montano, human resources manager, Southwest Marine, U.S. and North San Diego Division, on behalf of U.S. Marine Repair West; Ms. Berta Alicia Gonzalez, vice president, San Ysidro Chamber of Commerce; Ms. Viviana Ibanez, international affairs coordinator, San Diego Chamber of Commerce; and Mr. Steve Otto, executive director, San Ysidro Business Association.

18. *“Improving Security and Facilitating Commerce at the Southern Border,” field hearing at the Seaports of Los Angeles and Long Beach, February 1, 2002*

a. *Summary.*—The subcommittee continued its series of hearings at the Nation’s border crossings and ports of entry, holding its first hearing at a seaport in Los Angeles/Long Beach, CA. The subcommittee heard testimony from representatives of the ports and the businesses which depend on trade through the ports, as well as from the Federal agencies entrusted with protecting the ports from terrorism, illegal immigration, and the smuggling of contraband. The witnesses discussed several new proposals for improving both security and the transit of goods at the Nation’s seaports.

Witnesses included Capt. John Holmes, Captain of the Port, Los Angeles and Long Beach, U.S. Coast Guard; Ms. Audrey Adams, Director Field Operations, South Pacific Customs Management Center, U.S. Customs Service; Mr. Thomas J. Schiltgen, District Director, Los Angeles District Office, Immigration and Naturalization Service; Mr. Richard D. Steinke, executive director, the Port of Long Beach; Mr. Larry Keller, executive director, the Port of Los Angeles; Mr. Jay Winter, executive director, Steamship Association of Southern California; Mr. Dennis Heck, corporate import compliance and purchasing manager, Yamaha Corp.; Mr. Guy Fox, chairman of the board, Global Transportation Services; Capt. Bill Wright, senior vice president for safety and the environment, Royal Caribbean & Celebrity Cruise Lines; and Mr. Moises Cisneros, legislative manager, Los Angeles Area Chamber of Commerce.

19. *“Improving Security and Facilitating Commerce at the Southern Border,” field hearing at Sierra Vista, AZ, February 22, 2002*

a. *Summary.*—The subcommittee held the next of its ongoing series of field hearings at the Nation’s border crossings in Sierra Vista, AZ. As it had in previous field hearings, the subcommittee heard testimony from representatives of the local and city government, concerned members of the community, representatives of the local business community, and supervisors of the Federal agencies entrusted with protecting our Nation’s border. The subcommittee and witnesses discussed possible solutions to the significant and in-

creasing problems of illegal immigration, cross-border crime, and drug trafficking facing the local community.

Witnesses included Ms. Donna De La Torre, Director, Field Operations, Arizona Customs Management Center, U.S. Customs Service; Mr. David Aguilar, Chief Patrol Agent, Tucson Sector, U.S. Border Patrol; the Honorable Ray Borane, mayor, city of Douglas, AZ; the Honorable Chris M. Roll, Cochise County attorney; the Honorable Larry Dever, Cochise County sheriff; Mr. Harlan Capin, president, Nogales Alliance and Port of the Future; and Mr. James J. Dickson, administrator/CEO, Copper Queen Community Hospital.

20. *“The National Drug Control Strategy for 2002,” February 26, 2002*

a. Summary.—The hearing allowed the subcommittee to review the National Drug Control Strategy for 2002. John Walters, the Director of the Office of National Drug Control Policy, testified to present the strategy. The 2002 Strategy focuses on three national priorities: stopping drug use before it starts through education and community action, healing America’s drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade. The hearing was the first at which Director Walters testified after his confirmation and allowed members to enter into a dialog on a wide range of drug control topics.

Testimony was delivered by the Honorable John Walters, Director, Office of National Drug Control Policy. He was accompanied by Mr. David Rivat, Budget Chief, Office of National Drug Control Policy. Mr. Rivat did not deliver a statement.

21. *“Benefits of an Integrated Drug Demand Reduction Strategy: Effects of Treatment Funding on Public Health and Public Safety in Baltimore,” March 5, 2002*

a. Summary.—The subcommittee held a field hearing in Baltimore, MD, concerning the findings and ramifications of a recent drug treatment study entitled, “Steps to Success: Baltimore Drug and Alcohol Treatment Outcomes Study.” Commissioned by Baltimore Substance Abuse Systems, Inc., (BASA, Inc.) and released January 24, 2002, the study found that providing drug treatment on demand had measurable and lasting beneficial effects for treatment patients, including reduced use of alcohol, cocaine and heroin, reduced criminal behavior and receipt of illegal income, reduced depression, increased earned income, reduced HIV-risk behavior, and fewer emergency room visits. The study is the largest and most rigorously conducted treatment outcomes study to focus on a single city. Representatives of State and local government, and treatment providers and recipients testified concerning the results of the study and prospects for expanding and improving drug treatment programs.

Witnesses included the Hon. Kathleen Kennedy Townsend, lieutenant governor of Maryland; the Hon. Martin O’Malley, mayor of Baltimore; the Hon. Edward Norris, chief, Baltimore Police Department; Ms. Renee Robinson, treatment and criminal justice program manager, Washington, D.C.-Baltimore High-Intensity Drug Traf-

ficking Area; the Hon. Jamey Weitzman, judge, Baltimore City Drug Court; Dr. Peter Beilenson, M.D., M.P.H., Baltimore City health commissioner and chairman of the Board of BSAS, Inc.; Dr. Jeanette Johnson, Ph.D., professor of social work, University of Buffalo and Principal Investigator of the study; Mr. John Hickey, director, Tuerk House Drug Treatment Center; and Ms. Elizabeth Soward, a graduate of the Tuerk House treatment program who now serves as program coordinator at the center.

22. *"Innovative Approaches to Preventing Crime and Rehabilitating Youth and Adult Offenders," field hearing at Fort Wayne, IN, March 22, 2002*

a. *Summary.*—This hearing highlighted innovative crime control programs operating in Northeastern Indiana. These local initiatives provide pre and post-adjudication services for high-risk youth, adult and juvenile offenders. Such programs include adult re-entry and drug courts, juvenile character programs, alternative schools, and unique faith partnerships located in Northeastern Indiana. Witnesses testified to the scope and effectiveness of these programs, as well as the role of the Federal Government in encouraging and championing effective grassroots justice programs. Funding flows to communities in Northeastern Indiana through a variety of Federal grant programs, including the Department of Education's GEAR UP program, the Corporation for National and Community Service's Americorps program, the Bureau of Justice Assistance, and the Department of Justice's Community Oriented Policing Services [COPs] program.

Testimony was received from Charles Curie, administrator, the Substance Abuse and Mental Health Services Administration; the Honorable John F. Surbeck, judge, Re-Entry Court Initiative, Allen Superior Court, Criminal Division; the Honorable Francis C. Gull, judge, Drug Court, Allen Superior Court, Criminal Division, the Honorable David C. Bonfiglio, judge, Elkhart Superior Court VI; Mr. Kevin Deary, president and executive director, Boys and Girls Club of Greater Goshen; Ms. Alisa Stovall, education coordinator, Deer Run Academy; Matthew P. Schomburg, Wayne Township Trustee; Mr. Mark Terrell, CEO, Lifeline Youth and Family Services; and Glynn Hines, Fort Wayne City councilman.

23. *"Enhancing Border Security and Law Enforcement," April 10, 2002*

a. *Summary.*—As part of its ongoing study of border security, the subcommittee held a hearing to investigate new organizational and technological steps that can be taken to improve law enforcement at our Nation's borders and ports of entry. The subcommittee heard testimony from representatives of the principal agencies entrusted with the security of our borders, as well as their employees, as well as representatives of the industries affected by border inspections. The subcommittee and the witnesses discussed several new proposals for upgrading the process of screening travelers and goods entering the country, as well as possible reorganizations of the Federal agencies responsible for carrying out that screening.

Witnesses included Ms. Bonni Tischler, Assistant Commissioner, Office of Field Operations, U.S. Customs Service; Mr. Larry C.

Johnson, CEO and founder, BERG Associates LLC; Ms. Colleen M. Kelley, national president, National Treasury Employees Union; Mr. T.J. Bonner, president, National Border Patrol Council, American Federation of Government Employees; Mr. Christopher Koch, president, World Shipping Council; Mr. John Simpson, president, American Association of Exporters and Importers; and Mr. Steve Russell, chairman and CEO, Celadon Trucking Services, representing the American Trucking Associations.

24. *“Medical Science and Bioethics: Attack of the Clones?,” May 15, 2002*

a. Summary.—The subcommittee examined the status of ongoing efforts to clone humans, the medical dangers of cloning, and some ethical alternatives to cloning human embryos for research purposes. The subcommittee heard from scientific experts and patient advocates. The purpose of the hearing was to consider the need for Federal law in this area.

The witnesses included Dr. Anton-Lewis Usala, Brody of the School of Medicine of East Carolina University; Dr. Bryan Cowan from the Department of OB/GYN at the University of Mississippi Medical Center; Dr. Panos Zavos of the Andrology Institute of America; Mr. James Kelly, a patient advocate from Texas who is paralyzed from a spinal cord injury; Ms. Elizabeth Howard, esq., who’s daughter has Rett Syndrome; and Ms. Judy Norsigian of the Boston Women’s Health Book Collective.

Dr. Zavos discussed his efforts to clone human embryos for reproductive purposes. Dr. Cowan and Ms. Howard supported cloning human embryos for medical research. Dr. Usala outlined some of the ethical alternatives to research cloning, including his own work that is successfully treating some patients. Mr. Kelly testified that research involving cloning diverts limited resources away from more promising research that could help him and other patients. Ms. Norsigian outlined the dangers of cloning on women’s health, including how women must be exploited to harvest massive amounts of eggs to create embryos.

Legislation introduced by subcommittee member Dr. David Weldon of Florida to prohibit human cloning for any purpose was overwhelmingly approved by the House of Representatives but was not considered by the U.S. Senate.

25. *“Racial Disparities in Healthcare: Confronting Unequal Treatment,” May 21, 2002*

a. Summary.—The subcommittee held a hearing to review a recent Institute of Medicine study concluding that racial and ethnic minorities tend to receive lower quality health care than non-minorities, even when taking into account factors such as income and availability of health insurance. The subcommittee heard testimony relating to the report and reviewed the ongoing efforts and actions of Federal agencies with respect to the report’s conclusions.

Witnesses included Dr. John Ruffin, the director of the National Center on Minority Health and Health Disparities; Dr. Nathan Stinson, Jr., Deputy Assistant Secretary for Minority Health, HHS; Mr. Ruben King-Shaw, Jr., Deputy Administrator of the Center for Medicare and Medicaid Services; Dr. Carolyn Clancy, Associate Di-

rector of the Agency for Health Care Research and Quality; the Honorable Donna Christensen, Delegate to the U.S. House of Representatives from the U.S. Virgin Islands; Dr. Thomas LaVeist, associate professor of Johns Hopkins School of Public Health; Dr. Lisa Cooper, associate professor from Johns Hopkins University School of Medicine; and Dr. Elena Rios, president of the National Hispanic Medical Association.

26. *“Homeland Security Reorganization: What Impact on Federal Law Enforcement and Drug Interdiction?” June 17, 2002*

a. Summary.—The subcommittee heard testimony concerning President George W. Bush’s proposal to create a Department of Homeland Security. Specifically, the subcommittee investigated the potential benefits and ramifications of the reorganization for Federal law enforcement operations unrelated to terrorism as well as on drug interdiction and border control. The subcommittee heard testimony from several former senior Federal officials for key departments and agencies that would be affected by the proposal. Many witnesses expressed their confidence that the creation of the new Department would help reduce duplicative efforts and lack of coordination between the principal agencies responsible for border security—namely, the U.S. Customs Service, the Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Coast Guard—but also warned that steps must be taken to ensure that key missions unrelated to terrorism, such as drug interdiction, are not neglected.

Witnesses included Admiral Robert E. Kramek (ret.), former Commandant, U.S. Coast Guard; Mr. Donnie Marshall, former Administrator, Drug Enforcement Administration; Mr. Peter K. Nunez, former Assistant Secretary for Enforcement, U.S. Department of the Treasury; Mr. Douglas M. Kruhm, former Assistant Commissioner for the U.S. Border Patrol; Mr. Sam Banks, former Acting Commissioner, U.S. Customs Service; and Mr. Stephen E. Flynn, Jeane J. Kirkpatrick senior fellow for national security studies, Council on Foreign Relations.

27. *“Do We Need a National Youth Anti-drug Media Campaign,” June 25, 2002*

a. Summary.—The subcommittee held a hearing which demonstrated that considerable evidence exists that ad campaigns have had a positive influence on drug using behavior of American youth. The message resulting from the hearing is that Congress should continue to strongly support the National Youth Anti-Drug Media Campaign, although improvements to the campaign may be needed. Subsequent to the subcommittee’s last Media the National Institute on Drug Abuse [NIDA] released preliminary data evaluating the campaign which led some critics to complain about the campaign’s effectiveness.

During this hearing, however, the Dr. Lloyd Johnston, University of Michigan, program director of Monitoring the Future study, testified that while drug use rose substantially during much of the 1990s, there has been a leveling in recent years and, among the eighth graders in particular, some relatively steady, gradual decline in use. In other words, there has been some recent progress

among the younger teens, who have been the primary targets of the media campaign. Also, the witness from the Coalition for a Drug-Free Greater Cincinnati presented data demonstrating that during two time periods, the Anti-Drug Media Campaign has been an effective factor in reducing the regular (monthly) usage of marijuana. Their data consistently demonstrated that the Media Campaign's effect is meaningful but not as large as parental-driven protective factors, as expected. Recommendations for conducting an evaluation of the national anti-drug campaign were also given.

Witnesses included Mr. Lloyd Johnston, distinguished research scientist, Survey Research Center, University of Michigan; Phillip Palmgreen, professor, Department of Communication, University of Kentucky; Hon. Rob Portman, a Representative in Congress from the State of Ohio; Susan Patrick, president, the Governor's Prevention Partnership; and Paul J. Zimmerman, senior manager, corporate function consumer of market knowledge, Procter and Gamble.

28. *"Impact of Potential Restrictions on Anti-Drug Media Campaign Contractors," July 26, 2002*

a. *Summary.*—The subcommittee has held numerous oversight hearings relating to the performance of the Media Campaign's primary contractor, Ogilvy & Mather. Ogilvy & Mather settled a False Claims Act suit with the Department of Justice for \$1.8 million in 2001. The issues which were raised with respect to the management of the current contract as well as market research performed resulted in ONDCP's decision to re-bid the contract. On October 25, 2001, the Navy issued a solicitation for proposals. Five offerors responded and on July 3, 2002 the Navy announced the award of the new contract to Ogilvy & Mather. The contract is a \$151,913,165 cost-plus-fixed-fee contract to provide advertising and advertising-related services to ONDCP. The contract contains options, which if exercised would bring the total cumulative contract value to \$762,101,166.

The subcommittee continues to review the billing irregularities, the bid campaign, and the overall design and management of the program carefully in consideration of future authorizing legislation. As a result of the award of the contract to Ogilvy & Mather, legislative language was included in the Treasury appropriations bill which would prohibit Treasury-Postal Appropriations funds from being spent on the contract awarded in the rebidding process, effectively ensuring that no funds be given to Ogilvy & Mather.

The subcommittee heard testimony from ONDCP and other experts regarding the practical impact of this language on the functioning of the campaign. ONDCP testified that the language would weaken the campaign's effectiveness. The Navy was uncertain of whether there could be a quick award of the contract to another vendor without litigation. The subcommittee was also informed that the Navy would no longer perform contract administration for ONDCP. Another advertising executive claimed that accounts change hands all the time in the private sector and that no gap would result from changing contractors.

Witnesses included Mr. Christopher Marston, Deputy Chief of Staff, Office of National Drug Control Policy; Mr. Michael Jaggard,

Executive Director for Acquisition and Business Management, Office of the Assistant Secretary of the Navy for Research, Development and Acquisition, Department of the Navy; and Mr. Al Martin, president, A.M. Martin and Associates, LTD.

29. *"The Effectiveness of Substance Abuse Education and Treatment Programs in Preventing Crime," July 29, 2002*

a. *Summary.*—The subcommittee conducted a field hearing in Chicago, IL at the request of Representative Danny Davis to examine the successes of drug treatment and education programs in the Chicago area, as well as the effect which such programs can have on crime reduction. The subcommittee received testimony from organizations on successful programs, some with new and innovative approaches, that suggested models for techniques and broader programs nationwide.

Witnesses included the Honorable Constance Howard, Illinois State Representative; Mr. Frank Lieggi, executive director, the Way Back Inn; Bettie Foley, associate director, Haymarket Center; Dr. Bradley D. Olson, Center for Community Research, DePaul University; Mr. Dennis Deer, Deer Re Hab Services; Ms. Terrie McDermott, Cook County Sheriff's Office; Ms. Sharron Matthews, director of public policy and advocacy, Safety Foundation; Mr. Tim Whitney, special counsel, TASC, Inc.; Ms. Dorothy M. Reid, president, Oak Park NAACP Branch; and Mr. Jesus Reyes, director, social services, Circuit Court of Cook County.

30. *"Ecstasy: A Growing Threat to the Nation's Youth," September 19, 2002*

a. *Summary.*—The subcommittee heard testimony concerning the alarming growth in trafficking and abuse of the dangerous "club drug" ecstasy. Senior administration officials provided testimony on the increase in ecstasy use among our Nation's youth, the harmful effects of the drug on users and efforts to accelerate ecstasy control efforts by law enforcement. Private citizens also testified concerning the devastating effects of ecstasy on users and families, as well as issues arising in drug treatment for ecstasy users.

Witnesses included the Honorable Asa Hutchinson, Administrator, Drug Enforcement Administration; Dr. Glen R. Hanson, D.D.S., Ph.D., Acting Director, National Institute on Drug Abuse; Ms. Kate Patton, Kelley McEnery Baker Foundation; Ms. Lynn Smith; and Dr. Terry Horton, M.D., Medical Director, Phoenix House.

31. *"West Nile Virus: Public Health Implications and Federal Response," October 3, 2002*

a. *Summary.*—The subcommittee examined the public health implications of the West Nile virus and the Federal response to the growing epidemic.

The witnesses included Dr. James Hughes, the Director of National Center for Infectious Diseases at the Centers for Disease Control and Prevention; Jesse L. Goodman, M.D., M.P.H., the Deputy Director of Center for Biologics Evaluation and Research at the Food and Drug Administration; John R. Lumpkin, M.D., M.P.H. director, Illinois Department of Public Health; Dr. Deborah

McMahan, commissioner, Allen County Health Department of Fort Wayne, IN; George Wichterman, chairman of the Legislative and Regulatory Committee of the American Mosquito Control Association; Dr. Mohammad Akhter, executive director of the American Public Health Association.

The subcommittee was updated on the rapid spread of the disease that was only first detected in the United States in 1999 and the challenges that have resulted. As of yet, there is no test for West Nile virus infection. Dr. Goodman of the FDA told the subcommittee that a test may be available by next summer. There is no specific medication to treat West Nile virus infection and no vaccine is available to prevent it. The National Institutes of Health forecasts a vaccine will not be ready for at least 3 to 5 years. The subcommittee also learned that for the first time, West Nile virus infection has been linked to blood and organ donations.

In response to the West Nile virus outbreak that is caused by the bite of an infected mosquito, the House of Representatives passed a bill authorizing \$100 million in grants for communities to develop mosquito-control programs.

DISTRICT OF COLUMBIA SUBCOMMITTEE

Hon. Constance A. Morella, *Chairwoman*

1. *"America's Main Street: The Future of Pennsylvania Avenue,"*
March 21, 2001

a. *Summary.*—Nearly 6 years after then-Treasury Secretary Robert E. Rubin ordered the U.S. Secret Service to “temporarily” close Pennsylvania Avenue to vehicular traffic between 15th and 17th Streets, NW., the subcommittee sought an update on the closure, including hearing ideas from architectural and security firms on how the avenue could be re-opened. The road is an important east-west artery for the District of Columbia, and was traveled by about 29,000 vehicles daily before its May 19, 1995 closure.

Former Senate Majority Leader Bob Dole, representing the Federal City Council (a Washington, D.C. civic and business organization) proposed a plan by which Pennsylvania Avenue would be reduced to four lanes, the road curved away from the White House and two pedestrian bridges built to prevent trucks and other large vehicles from driving in front of the Executive Mansion.

D.C. Mayor Anthony Williams, the chair of the City Council, and several business and civic leaders endorsed the idea of re-opening Pennsylvania Avenue to vehicular traffic. Secret Service Director Brian Stafford repeated the agency's opposition to opening the road, contending that there is no adequate method to protect the White House from car or truck bombs if the road is open to public use. Richard L. Friedman, the chairman of the National Capital Planning Commission, testified that the NCPA planned on convening a task force to examine the closure of Pennsylvania Avenue and other security issues and pledged to issue a recommendation on the avenue by the summer. (The report, “Designing for Security in the Nation's Capital,” issued in October, recommended building a tunnel to carry Pennsylvania Avenue below ground and open

Pennsylvania Avenue to a “circulator” bus service to transport tourists and workers around the city’s Monumental Core.)

2. *“Coordination of Criminal Justice Activities in the District of Columbia,” May 11, 2001*

a. Summary.—The General Accounting Office, pursuant to the fiscal year 2000 District of Columbia Appropriations Act, issued a report in March 2001 recommending better coordination among criminal justice agencies in the District of Columbia. The National Capital Revitalization and Self-Government Improvement Act of 1997 brought a number of city functions—including Superior Court, Pretrial Services, Defender Services and sentenced felon incarceration—under the auspices of the Federal Government, leaving the city’s criminal justice system divided among Federal and local entities.

Competing organizational interests have hampered needed reforms and improvements to the District’s criminal justice process, according to the GAO report and hearing testimony from the city’s public safety, political and judicial officials. One persistent example cited at the hearing is the millions of dollars in overtime paid annually to Metropolitan Police Department officers while they wait in court or to meet with prosecutors from the U.S. attorney’s office.

There was a broad consensus among witnesses for the need to breathe new life into the Criminal Justice Coordinating Council, a multi-agency group that achieved some success when it had been funded by the District of Columbia Financial Responsibility and Management Assistance Authority (the Control Board). The CJCC brings together the heads of the agencies with criminal justice responsibilities in the District (chief of police, U.S. attorney, head of Federal Bureau of Prisons, etc.) to work out problems of coordination.

3. *“The Outlook for the District of Columbia Government: The Post-Control Board Period,” June 8, 2001. Joint hearing with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia*

a. Summary.—With the D.C. Financial Responsibility and Management Assistance Authority (the Control Board) set to expire on September 30, 2001, the subcommittee held a joint hearing with its Senate counterparts to get a frank assessment from city government officials and outside experts on the current state of the District’s fiscal and management situation. The hearing also was meant to serve as the starting point for a discussion on what actions would be necessary to ensure the District’s continued financial health. Under the Control Board, established by Congress in 1995, the District turned a \$518 million deficit into a \$464 million surplus, saw its bond rating improve from junk-level to investment grade, and made substantial improvements in service delivery.

Control Board chairman Alice Rivlin, Mayor Anthony Williams and City Council president Linda Cropp jointly testified in favor of city legislation that would continue to give the District’s chief financial officer (an office created under the act establishing the Control Board) some oversight of the city’s budget, tax and account-

ing functions. Several witnesses expressed concern that the city legislation did not go far enough in strengthening the position of the CFO, saying that such an important position required additional safeguards and explicit powers over the city's finances.

Other witnesses, including representatives from the two major credit rating agencies, Standard & Poor's and Moody's Investors Service, testified that ensuring the independence of the chief financial officer was important to the long-term fiscal stability of the District. They also noted that it is very unusual for a city to emerge from a Control Board period without some kind of "transition" back to full fiscal sovereignty.

4. *"The Reform of the Family Division of the District of Columbia Superior Court: Improving Services to Families and Children," June 26, 2001*

a. *Summary.*—The death of 23-month-old Brianna Blackmond in January 2000 illustrated the grave failings of the District of Columbia's child welfare network. The system of social workers, child advocates and family division judges simply was not doing enough to protect the rights—and in some cases, the lives—of the city's children. In Brianna's case, the young girl was killed just weeks after a family division judge made the mistake of taking Brianna from a foster home and returning her to her troubled mother.

Since the 1997 Revitalization Act, the District's Superior Court (including its family division) has fallen under control of the Federal Government, and this hearing was aimed at developing legislation to dramatically reform the family division and address the backlog of neglect and abuse cases. The biggest debate, at the hearing and in subsequent legislative negotiations, was over the length of term for family court judges. Superior Court Chief Judge Rufus King III argued in favor of a term of no more than 3 years, saying anything longer could lead to judicial burnout. Others, including child advocates and F. Scott McCown, a family court judge from Texas, strongly favored a 5-year term (which was ultimately supported by the subcommittee) to ensure judges have adequate time to learn the ropes of complicated family issues. There was overall support for the idea of "One Family, One Judge," under which a judge would gain greater familiarity with a family's problems because he or she would hear all cases involving that family.

5. *"Prisoner Release in the District of Columbia: The Role of Halfway Houses and Community Supervision in Prisoner Rehabilitation," July 20, 2001*

a. *Summary.*—More than 2,500 felony inmates are expected to be released back to the District of Columbia each year for the next several years, a situation made worse by the fact that the city has a shortage of about 250 halfway house beds. Drug treatment and other support services are similarly available only on a limited basis. Finally, as a completely urban jurisdiction, the District has a higher incarceration rate than any of the 50 States, and its inmates are more likely to have serious drug and/or medical problems.

Congress created the Court Services and Offender Supervision agency in 1997 to ensure that individuals released back into the

community, either pre-trial or post-sentence, received proper monitoring, job support and other transitional services. At the hearing, Chairwoman Connie Morella entered into the record a chart showing that the number of D.C. parolees re-arrested on other charges had dropped considerably in recent years, from 158 in May 1998 to 66 in April 2001. The figures have fluctuated between 40 and 79 since September 1999. The shortage of halfway house beds, however, threatens to impede further progress, according to testimony from corrections officials and criminal justice observers. The Federal Bureau of Prisons, which became responsible for felony incarceration in the District under the 1997 Revitalization Act, has a policy of releasing its prisoners into halfway houses—something it cannot always do in the District.

6. *“Spring Valley: Toxic Waste Contamination in the Nation’s Capital,” July 27, 2001*

a. *Summary.*—During World War I, the U.S. Army leased land from American University and several other property owners in an area of Northwest D.C. known as Spring Valley for the establishment of a weapons testing facility. The American University Experimental Station became the second-largest chemical weapons facility in the world, with up to 1,900 military and civilian employees working there. When World War I ended, and the experiments were over, the chemicals were supposedly shipped to another site for disposal. But that did not happen.

In 1993, a construction crew found buried munitions, starting a process of search-and-cleanup that continues to this day. Dangerously high levels of arsenic continue to be found in the soil in Spring Valley. Many residents believe the chemical remnants have caused cancer and other diseases in their loved ones, sometimes resulting in death. The Army Corps of Engineers is responsible for the cleanup, which has impacted hundreds of homes and the campus of American University. The Corps is working with residents, the city government and American University in this process.

This hearing was called to determine how these chemicals were able to remain a secret for 75 years. Should not have someone—a landowner, a builder, a military authority, the university—known about the possible contamination and warned the public? In 1986, the U.S. Army considered examining the Spring Valley area for possible munitions as part of American University’s planned construction of a campus building. The Army Corps decided then, against substantial evidence suggesting otherwise, that no large-scale investigation was needed. Likewise, in 1995, after 2 years of cleanup, the Corps declared the area safe—only to learn that was not the case when the District of Columbia government challenged the Army’s findings.

Despite calling many witnesses to testify—including representatives from the Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Army Audit Agency, American University and the W.C. & A.N. Miller Development Co. (the prime builders in Spring Valley)—the subcommittee decided at the conclusion of the hearing to seek a General Accounting Office investigation into the matter. That investigation is currently underway.

7. *“Mass Transit in the National Capital Region: Meeting Future Capital Needs,” September 21, 2001*

a. Summary.—Just 10 days after the September 11th terrorist attacks, the subcommittee convened a hearing on the status of the Washington Metro subway system. While originally intended to examine Metro’s long-term capital needs to continue to move commuters smoothly around the region, much of the hearing’s focus turned to the system’s emergency response and planning and its capability for handling a bio-terrorist threat.

Metro general manager Richard White testified that the subway system is at the forefront nationally of testing out a new system in which sensors would be able to detect the presence of a bio-agent in the system and respond accordingly. But he said such measures are still in the preliminary stage.

A General Accounting Office report, released in July and the basis for this hearing, noted that the 25-year-old system is seeing a steadily growing number of riders while also facing growing pains associated with its age—most notably, broken escalators and the need to replace train cars. The GAO also suggested that Metro change its budgeting process by listing which projects it would not undertake should it receive less money than requested from local governments. White said Metro was opposed to this because he believes it would lead to less funding. But Metro is developing a “core capacity” plan to outline its long-term capital needs.

8. *“Emergency Preparedness in the Nation’s Capital,” November 2, 2001*

a. Summary.—The September 11th terrorist attacks on the Pentagon and the World Trade Center in New York City highlighted the importance of a coordinated response of local governments to catastrophic events. At the Pentagon, fire, police and emergency rescue forces from across the region worked hand-in-hand to save lives, tend to the injured and extinguish the fire. They were undoubtedly assisted by their routine training in “mutual aid” situations—emergencies that require responses from across jurisdictional boundaries.

Unfortunately, the communication and coordination of regional political leaders were not so evident. At this hearing, Michael Rogers, the executive director of the Metropolitan Washington Council of Governments, testified that regional leaders did not even speak to each other, as a group, until 6 p.m. on the evening of the 11th—more than 8 hours after American Flight 77 struck the Pentagon, and long after most residents had left work and returned to the safety of their own homes. District of Columbia Mayor Anthony Williams testified that he regretted not using the area’s Emergency Broadcast System to give citizens the facts of the situation. Shortly after the attacks, many people were not sure whether the Metro subway system was operating, whether roads were closed, and whether they should stay at work or try to get home.

Coordination between the Federal and local governments was lacking as well. At the same time the Office of Personnel Management was telling Federal employees to go home, the Secret Service ordered the closure of several of the Potomac River bridges connecting the District to Virginia, creating a traffic nightmare. Chair-

woman Morella called for the development of a regional emergency response plan, with a particular emphasis on bio-terrorist response, one that could help coordinate the various local and Federal entities in their response to future calamities.

9. *“Emergency Preparedness in the Nation’s Capital: The Economic Impact of Terrorist Attacks,” November 15, 2001*

a. Summary.—In a continuation of its November 2 hearing, the District of Columbia Subcommittee looked closely into the economic damage caused by the September 11 terrorist attacks, and subsequent discovery of anthrax in the mail system, on the District and the metropolitan region. Dr. Stephen Fuller, a noted economist from George Mason University, testified that the city could be severely hurt by the terrorism events, given that its economy is heavily dependent on the hospitality and tourism industries. Because of safety fears and the prolonged closure of Ronald Reagan Washington National Airport, more business travelers are staying in the suburbs rather than coming downtown, he said. With hotel occupancy at less than half the normal rate in September and October (usually two of Washington’s three best months for business travel and tourism) as many as 10,000 of the city’s hospitality workers could lose their jobs, Fuller said.

Fuller and other witnesses, including labor and business representatives, said they feared that the Federal Government’s decision to close streets, cancel popular public tours of the White House, FBI building and the Capitol, and put up barricades at various tourist destinations, would only exacerbate the problem. William Hanbury, the president and CEO of the Washington, DC Convention and Tourism Corp., testified that local officials have prepared an aggressive advertising and marketing campaign to attract visitors to the Nation’s Capital but did not want to launch the campaign while the news media was reporting daily on the anthrax situation and security measures in the District. Hanbury also testified that the new D.C. Convention Center, scheduled to open in the spring of 2003, will not be delayed because of bad economy brought on by the terrorist attacks. The Convention Center construction is funded through a combination of hotel taxes and sales taxes on food.

10. *“The District of Columbia School Reform Act of 1995: Blue Print for Educational Reform in the District of Columbia,” December 7, 2001*

a. Summary.—This hearing was convened just a few weeks after the District of Columbia Board of Education voted to cut the public school system’s academic year by 7 days in response to budget shortfalls brought on by lax fiscal management. The school system had discovered an estimated \$80 million shortfall—which turned out to be \$98 million, the city’s chief financial officer revealed at this hearing—shortly before the end of the city’s 2001 fiscal year, which concluded on September 30, 2001. Chairwoman Morella and Ranking Member Norton both described the Board of Education plan as unacceptable, and urged the school board to come up with a different proposal to save money. Five days after the hearing, the

city government gave the school system \$10 million to avoid the budget cuts.

Fiscal mismanagement and poorly performing schools have long been a problem in the District. Of late, the schools' budget has been under severe stress due to the high cost of transporting and educating special education students. The District places thousands of its special needs students into schools in other States, a practice that costs \$34,000 per student—or more than double the cost to educate a special education student in D.C. schools. Making the problem worse is that the school system has failed to file proper paperwork with the Federal Government to recover its rightful Medicaid contribution. School Board President Peggy Cooper Cafritz and Superintendent Paul Vance agreed to send to the subcommittee details of their efforts to reduce special education costs by educating more special needs students in the District of Columbia, rather than in private placements.

Vance and Cafritz also testified that the District's schools are showing some promise in terms of academic performance. In the 1996–97 school year, 34 percent of DCPS students tested at “below basic” for reading, according to the Stanford 9 achievement tests. That figure dropped to 25 percent by the 2000–2001 academic year, as more students tested at “basic,” “proficient,” or “advanced” levels. In mathematics, the progress was even greater—a reduction in “below basic” from 57 percent in 1996–97 to 36 percent last year.

11. *“Status of Construction of the New Convention Center,” January 18, 2002*

a. *Summary.*—Construction of the District of Columbia's new convention center began in 1998, but a General Accounting Office audit conducted for the subcommittee raised troubling questions, particularly noting that a firm completion date for the mammoth project had not been established, nor had a guaranteed maximum price been negotiated. At 2.3 million square feet of space, the convention center will be the second largest building in the District, and as such is one of the most important public works projects the city has seen in quite some time. Its estimated cost is more than \$800 million.

Chairwoman Morella, who had requested the GAO report, said it was critically important the convention center open as scheduled in March 2003. Events had already been booked for the new space, and the District is counting on the center to pump more than \$650 million annually into its economy (with another \$775 million projected to be added to the economies of other local governments).

Lewis H. Dawley III, the general manager of the Washington Convention Center Authority, testified that the authority and the Clark/Smoot company, which is managing construction, had reached an agreement guaranteeing that the convention center would be ready for exhibits by March 31, 2003 at a total cost acceptable to both parties. Witnesses from the office of Mayor Anthony Williams and the District's chief financial officer testified that the opening of the convention center would serve as a much-needed boost to the local economy, which had been hurt severely by the September 11th terrorist attacks.

12. *“Economic Development in the District of Columbia: The Role of the National Capital Revitalization Corporation,”* March 8, 2002

a. *Summary.*—The District of Columbia created the National Capital Revitalization Corporation [NCRC] in 1998, recognizing that the redevelopment of vacant, run-down or under-used properties could help return the city to solid financial footing. A year later, the Federal Government contributed \$25 million in seed money for the venture, and this hearing was held to determine what the NCRC had accomplished so far and what it was planning to do in the future.

One of the most ambitious redevelopment projects in the District involves the Southwest Waterfront, usually called the Anacostia Waterfront Initiative. According to witness Elinor Bacon, who was the then-president of the NCRC, one of the organization’s first moves was to take control of a popular marina on the river, both to ensure that it is well managed and to be able to play a role in pushing forward the Anacostia redevelopment.

Other revitalization areas discussed at the hearing include Columbia Heights, Georgia Avenue, Howard University/Shaw, the H Street corridor and the NoMa (North of Massachusetts Ave.) corridor. Several witnesses pointed to the success of the Federal legislation that created the District of Columbia Enterprise Zones, which provide tax relief for businesses that located in certain areas. With the legislation set to expire soon, Chairwoman Morella suggested the possibility of extending the Enterprise Zone designation to the entire city, rather than just select areas.

13. *“Privacy vs. Security: Electronic Surveillance in the Nation’s Capital,”* March 22, 2002

a. *Summary.*—In mid-February, media reports revealed that the Metropolitan Police Department had installed 13 closed-circuit video cameras in the downtown area as part of an extensive surveillance network. No public discussion of these plans took place prior to the cameras being installed or operated. This hearing sought to examine the purpose of the District’s camera system—for example, fighting street crime or deterring terrorism—the effectiveness of camera systems in other cities, and what type of safeguards the District should put into place to ensure the technology is not abused.

Witnesses from the American Bar Association, the RAND Corp. and the American Civil Liberties Union detailed the legal and practical issues surrounding the issue of surveillance cameras, stressing the need for clear written guidelines about who can operate the devices, what purposes they will be used for, what happens to the images recorded and what disciplinary action will be taken against violators. Witnesses from the Council of the District of Columbia and the Police Department said the city would be drafting such regulations, which they have been working on for some time. However, there is now growing opposition to the very existence of the security cameras among members of the D.C. Council, raising the possibility that the District may end the program altogether.

Finally, the hearing also featured testimony from John Parsons, an associate regional director of the National Parks Service. Par-

sons revealed that the Parks Service was planning on installing surveillance cameras of its own along the National Mall as “part of a larger effort to increase security” at monuments and other potential terrorist targets. The subcommittee then asked the National Parks Service to draft regulations concerning the use of these cameras, and to send these regulations to the subcommittee for review before putting the system into operation. Parsons agreed, although the Parks Service has in fact turned on the cameras on at least two occasions (during the July 4th celebration and during the October sniper attacks in the Washington region) despite only having completed a preliminary version of those regulations.

14. *“The Metropolitan Washington Airports Authority—The Impact of the September 11th Terrorist Attacks on the Security and Operations of Airports Serving the Nation’s Capital,” May 8, 2002*

a. *Summary.*—Following the September 11th terrorist attacks, Ronald Reagan Washington National Airport was shut down completely for 23 days, longer than any other commercial airport in the Nation. Its proximity to the White House and other key government installations caused great anxiety among government security and transportation officials, who would only let a small percentage of Reagan National’s flights to resume service on October 4th, with a gradual increase in capacity planned over the coming months. However, by the time Chairwoman Morella announced that the subcommittee would be holding a hearing on the status of Reagan National, the airport was still off limits to private aircraft (general aviation) and had not yet been given permission to return to full capacity.

Transportation Secretary Norman Mineta announced, shortly before the May 8th hearing, that Reagan National would return to full capacity within a few weeks. And there was more good news at the hearing itself. Read Van de Water, the Assistant Transportation Secretary for Aviation and International Affairs, said general aviation aircraft would be able to resume using Reagan National by the end of May. Steven Brown, the Federal Aviation Administration official in charge of air traffic, said the agency was reviewing the limitations it had placed on three smaller airports in Prince George’s County, MD. However, as of today, these promises have not come to fruition, as general aviation is still banned at Reagan National and severely restricted at the three private airports.

The other main topic of discussion at the hearing was aircraft noise. When Reagan National first reopened, flight paths were changed so that jets approaching or departing the airport were generally flying over residential neighborhoods, rather than over the Potomac River. In addition, pilots were no longer instructed to “throttle back” after takeoff—that is, reduce power for the first 10 miles to mitigate noise. James A. Wilding, president of the authority that manages National airport, said the airport favors both noise-control measures. Federal aviation officials assured the subcommittee all appropriate noise controls had been put back into place.

15. *“Oversight Hearing on the Performance of the Court of Appeals and the Superior Court of the District of Columbia,” June 5, 2002*

a. Summary.—Under the terms of the National Capital Revitalization and Self-Government Act of 1997, the Federal Government assumed responsibility for the funding of the court system of the District of Columbia. This hearing examined the court system’s spending and strategic plans, the performances of the District of Columbia Court of Appeals and the Superior Court and the courts’ plans to use technology to improve operations. It also served to review the status of the new Family Court, created through legislation that originated with the subcommittee in 2001.

A General Accounting Office report on the Family Court’s 90-day transition plan found that it met most, but not all of the requirements of the act. Specifically, the GAO had concerns about the relevant experience of the 12 judges assigned to Family Court, and whether senior judges would be permitted to hear abuse and neglect cases. Rufus G. King III, chief judge of the Superior Court of the District of Columbia, and other judicial representatives, said senior judges would only hear Family Court cases in dire emergencies.

Other issues discussed included the court system’s Integrated Justice Information System [IJIS]. The new computer system, which is being installed over several years, will allow court officials and other users to track cases more easily. This is a key improvement for a court system that has to deal with so many different agencies, both Federal and local. The importance of developing a strategic plan that identifies performance goals for the courts was also noted.

16. *“Spring Valley Revisited—The Status of the Clean-up of Contaminated Sites in Spring Valley,” June 26, 2002*

a. Summary.—About 1 year earlier, the subcommittee had convened its first hearing into the troubling situation in the Spring Valley area of the District of Columbia, where the U.S. Army had tested and buried chemical weapons during World War II. This contamination had gone undiscovered for nearly 75 years. At the time of this hearing, the District and its Federal partners were still in the process of testing individual properties to determine the extent of the problem.

At the time of the first hearing, Chairwoman Morella and Ranking Member Norton requested the GAO conduct a thorough investigation into the circumstances surrounding the contamination. That report, presented at this hearing, still left many questions unanswered. As such, the subcommittee members focused on looking forward: When will the cleanup be complete, and what assurances do citizens have that they do not face health risks?

The U.S. Army Corps of Engineers, represented by Col. Charles J. Fiala, Jr., estimated that total project costs will be \$125 million (\$50 million of which had already been spent) with completion set for fiscal year 2007. Witnesses differed on the question of possible health risks, with some classifying the risk as extremely small, while others (notably Dr. Bailus Walker, Jr., chair of the Mayor’s scientific advisory panel on Spring Valley) suggested that residents

take precaution because the level of risk remains unknown at this time.

17. *“Voting Representation in Congress,” July 19, 2002*

a. Summary.—In 1978, both Houses of the U.S. Congress approved a Constitutional Amendment granting voting representation in the Senate and the House to the District of Columbia, treating it as if it were a State for purposes of representation. That amendment failed to meet the required approval of 38 States—only 16 approved it before it expired. This hearing was the first D.C. voting rights hearing held in the House of Representatives since 1978.

Mayor Anthony Williams framed the issue as one of fairness, equality and civil rights, saying the time has arrived to grant the residents of the Nation’s Capital the same representation in Congress as the Members of the 50 States. Witnesses also included Shadow Representative Ray Browne, who has been traveling across the country to gain support for D.C. voting rights.

Walter Smith, chairman of the nonprofit D.C. Appleseed Center, testified that Congress has the power to pass legislation granting the District voting rights in Congress, a position supported by most other witnesses. (Legal scholars who have studied this issue, including two who testified at a similar Senate hearing, remain divided on this point.) Another witness, Betsy Werronen, chair of the D.C. Republican Party, said Congress should consider granting the District a voting representative in the House only, as a first step toward full voting rights. Ranking Member Norton had introduced legislation to grant the District full voting rights. The bill was not referred to this subcommittee, but it did receive approval from the full Senate Governmental Affairs Committee.

18. *“Clean Up of the U.S. Postal Service’s Brentwood Processing and Distribution Center,” July 26, 2002, field hearing held on the campus of Gallaudet University*

a. Summary.—Shortly after the terrorist attacks of September 11th, the Washington area and several other parts of the country were faced with a new weapon of fear: anthrax sent through the U.S. mail to politicians and members of the media. Two of those envelopes were sorted at the Brentwood Processing Center in the District, leading to the death of two postal workers, Joseph Curseen, Jr., and Thomas Morris, Jr. The Brentwood facility has been closed since October 2001, as the Postal Service developed a plan to fumigate the building.

The subcommittee held its first field hearing at Gallaudet University in Northeast D.C., just about a mile away from the Brentwood plant. Chairwoman Morella and Ranking Member Norton felt holding a field hearing would give affected residents a better chance to attend the meeting, and to demonstrate the fact that the Federal Government takes seriously its obligation to ensure that the decontamination process is safe for the public and that the Brentwood facility will be safe for postal workers to return to work.

Thomas Day, a Postal Service vice president, led a 10-minute multi-media presentation about the cleanup process, which involves using chlorine dioxide gas to rid the 17.5-million-cubic-foot building of any remaining anthrax spores. Scientists from the Federal and

District government testified that they were working in concert with the Postal Service and its contractors on the project, and were confident of the safety and effectiveness of the decontamination. In response to questioning from Ranking Member Norton, Day promised that the Postal Service would work with the District to reimburse any costs associated with the cleanup. After some delays, the Postal Service began the decontamination work in mid-December.

19. *“Emergency Preparedness in the Nation’s Capital,” September 20, 2002*

a. Summary.—The subcommittee convened this hearing close to the 1-year anniversary of the September 11th terrorist attacks. Its purpose was to gauge how much progress had been made in the region’s preparedness for future emergencies and to see what additional role, if any, the Federal Government could play in assisting the regional response.

Chairwoman Morella noted that at the subcommittee’s first emergency preparedness hearing, 1 year earlier, the news was not all good. On September 11th, the Emergency Broadcasting System had not been put into use, residents of the metropolitan area were unsure whether the Metro subway system was working, and there was no guidance as to whether businesses should send their employees home or keep them at the job.

In the year since, the Federal Government has developed a color-coded warning system, Federal agencies (including the Office of Personnel Management and the Federal Emergency Management Agency) began work on a protocol concerning when to release Federal workers and the regional Council of Governments, along with the District, Maryland and Virginia, developed emergency readiness plans. Witnesses representing all the above parties testified at the hearing, with a general consensus that the region was well prepared to face another catastrophic emergency, should one happen.

In addition, the panel discussed whether there should be an Office for National Capital Region Coordination in the proposed Homeland Security Department. The subcommittee had previously endorsed this idea, and the office is now included in the law creating the new cabinet department.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, *Chairman*

1. *“A Rush to Regulate—the Congressional Review Act and Recent Federal Regulations,” March 27, 2001*

a. Summary.—Congress has a tool to disapprove regulations: the Congressional Review Act [CRA]. The purpose of the hearing was to examine some of the late-issued rules (since 1981, popularly known as “midnight” rules) by the Clinton administration and to ensure that the decisionmaking process was careful and above reproach. The hearing considered not only substantive concerns but also procedural flaws in issuance of these rulemakings. Under law, Congress has two opportunities to review agency regulatory actions: at the proposed rule stage and at the final rule stage. Under

the Administrative Procedure Act, Congress can comment on agency proposed and interim rules during the public comment period. Under the CRA, Congress can disapprove an agency's final rule after it is promulgated.

In March 2001, the House and the Senate passed a joint resolution of disapproval for the Department of Labor's major rule establishing a new comprehensive ergonomics standard. The reversal of the ergonomics rule was the first instance in which the CRA resulted in nullification of a rule. The hearing examined other recent major and significant rules for any rule which may be an additional candidate for a CRA resolution of disapproval. The potential candidates discussed included: the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration's revised debarment and suspension rule governing a "satisfactory record of integrity and business ethics" for contracting with the government; the Department of Agriculture's rule protecting national forest system roadless areas; and, the Environmental Protection Agency's rule establishing diesel fuel sulfur control requirements for new motor vehicles. The subcommittee also heard testimony on the importance of going through a public rule-making process when withdrawing or suspending a rule.

Witnesses included: Dr. Wendy Lee Gramm, director, Regulatory Studies Program, Mercatus Center, George Mason University and former Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget; Marshall E. Whiteman, vice president, Resources, Environment and Regulation Department, National Association of Manufacturers; Dr. Robert H. Nelson, professor, School of Public Affairs, University of Maryland; Raymond E. Ory, vice president, Baker and O'Brien, Inc.; Terry F. Gestrin, chairman, Valley County Commissioners, Cascade, ID; Evan Hayes, wheat farmer, American Falls, ID, representing the National Association of Wheat Growers; Sharon Buccino, senior attorney, Natural Resources Defense Council; and Thomas O. McGarity, W. James Kronzer Chair, University of Texas School of Law.

2. *"Assessing the California Energy Crisis: How Did We Get to This Point and Where Do We Go From Here?" April 10, 2001*

a. *Summary.*—The hearing, held in Sacramento, CA, focused on the causes and effects of California's energy crisis, the impact on California's economy, and the State and Federal responses to the situation. The availability, reliability and price of power are an integral part of our economic success. The converse of that statement is also true: an unavailable, unreliable, and expensive source of power will cause an economic crisis. The State of California was facing an energy crisis and had been stricken by rolling blackouts. The subcommittee investigated the alleged overcharges by electricity generators, including claims that electric supply was withheld by generators. At its root, the crisis stemmed from a dysfunctional market and a fundamental imbalance between supply and demand. As the economy in California expanded and as regulatory restrictions continued to make it difficult to build new power plants and transmission facilities, demand outstripped supply. A number of factors were expected to further constrain supplies, such as below average rainfall, which reduced hydroelectric supply, air

emission restrictions, and the lack of production from alternative energy suppliers which were not paid for months.

The minority disagreed with the majority's conclusions, noting that record-setting prices occurred in the absence of historically high demand, no evidence indicated that clean air regulations restricted the generation of electricity, and once permits were submitted for construction of new power plants, they were quickly approved. The minority pointed to withholding of supplies and price gouging by electricity generators as major contributing factors to the energy crisis.

Key witnesses included: Loretta Lynch, president, California Public Utilities Commission; Terry Winter, president and CEO, California Independent System Operator; and Kevin Madden, general counsel, Federal Energy Regulatory Commission. The subcommittee also heard from a panel of small businessmen and farmers from the Sacramento area. The final panel featured: William MacDonald, Acting Commissioner, Bureau of Reclamation, Department of the Interior; and other witnesses pertaining to water management policies for the Trinity River in northern California.

3. *"Paperwork Inflation—Past Failures and Future Plans," April 24, 2001*

a. Summary.—The Office of Management and Budget [OMB] estimates the Federal paperwork burden on the public at 7.2 billion hours, at a cost of \$190 billion a year. The purpose of the hearing was to examine OMB's and the Federal agencies' efforts to reduce paperwork, as required by the Paperwork Reduction Act [PRA]. Much of the information that is gathered in this paperwork is important, sometimes even crucial for the government to function. However, much of it is duplicative and unnecessary. In 1995, Congress passed amendments to the PRA of 1980 that set government-wide paperwork reduction goals of 10 or 5 percent per year from fiscal year 1996 to 2001. The goal of PRA was to reduce red tape each year. These annual reductions in paperwork, however, were not achieved. Instead, paperwork burdens increased in each of the last 5 years.

The hearing discussed efforts to reduce paperwork and OMB's role in closely scrutinizing paperwork burdens before they are imposed on the public. Federal agencies should find less burdensome ways to collect information. With the technology available today, there is no reason why the burden on the American public cannot be decreased.

Witnesses included: Charles O. Rossotti, Commissioner, Internal Revenue Service, Department of the Treasury; Sean O'Keefe, Deputy Director, OMB; J. Christopher Mihm, Governmentwide Management Issues Director, General Accounting Office; Ken LaGrande, vice president, Sun Valley Rice; James M. Knott, president and chief executive officer, Riverdale Mills Corp.; John Nicholson, owner, Company Flowers; and Dr. John L. Bobis, director of regulatory affairs, Aerojet.

4. *“Unfunded Mandates—A Five-Year Review and Recommendations for Change,” May 24, 2001*

a. *Summary.*—This hearing on the Unfunded Mandates Reform Act [UMRA] was a joint hearing with the Committee on Rules Subcommittee on Technology and the House. In some cases mandates are imposed directly by Congress, such as the minimum wage, health insurance portability, and clean air. Some mandates, however, come not from Congress, but from the Federal agencies. After an outcry about the unfairness and burden of unfunded mandates, Congress enacted UMRA in 1995. It was designed “[t]o curb the practice of imposing unfunded Federal mandates on States and local governments; [and] to strengthen the partnership between the Federal Government and State, local and tribal governments.” The act established new procedures designed to ensure that both the legislative and executive branches fully consider the potential effects of unfunded Federal mandates before imposing them on State and local governments or the private sector.

After 5 years, the principal question is, how well is UMRA working? The hearing discussed the relative effectiveness of the provisions governing the legislative branch and the relative ineffectiveness of the provisions governing the executive branch. In 1998, the General Accounting Office [GAO] issued a report concluding that UMRA “has had little effect on agencies’ rulemaking actions.” GAO concluded that UMRA had little impact on agency rulemaking because (1) most of the economically significant rules during UMRA’s first 2 years were not subject to UMRA’s requirements and (2) the agency analyses appeared to meet most of UMRA’s substantive requirements. The Office of Management and Budget [OMB] has issued five annual reports on agency compliance with UMRA. These reports revealed from 13 to 17 proposed or final rules each year with a mandate over \$100 million. Some Members are concerned that part of the reason for the “little effect” of UMRA on the executive branch may be due to OMB’s insufficient guidance and ineffective oversight.

Witnesses included: Dan L. Crippen, Director, Congressional Budget Office; Mitchell E. Daniels, Jr., Director, OMB; Paul S. Mannweiler, Indiana State Representative and immediate past president, National Conference of State Legislatures; Dr. Raymond C. Scheppach, executive director, National Governors’ Association; Scott Holman, Sr., president and chief executive officer, Bay Cast, Inc., Michigan, and chairman, Regulatory Affairs Committee, U.S. Chamber of Commerce; and Williams L. Kovacs, vice president, Environment and Regulatory Affairs, U.S. Chamber of Commerce.

5. *“Gasoline Supply: Another Energy Crisis?,” June 14, 2001*

a. *Summary.*—Even though demand for gasoline has risen nearly every year since 1982, refining capacity since then actually declined more than 10 percent. Added to the complexity of the demand and supply situation for gasoline are the current regulatory problems associated with high gasoline prices in terms of declining refining capacity and the fragility and instability of the gasoline market. Twenty years ago, the Nation was essentially one single market for gasoline. Today, the Nation has been balkanized into more than a dozen boutique markets with their own specialized

blends of gasoline. The principal question about these boutique islands is not whether these special blends are more or less expensive to produce than conventional gasoline, but do they make the entire market less stable? It seems that this overlay of regulatory barriers on top of the current supply problems makes the market susceptible to recurrent price spikes. The minority finds that regulation is not the root cause of constraints in gasoline supplies—refining capacity declined in response to low returns on investment (due in part to excess refining capacity) and the gasoline industry encouraged the use of boutique fuels.

Beyond this balkanization of the gasoline market is the overarching regulation of gasoline under the Clean Air Act, particularly the oxygenate mandate added by Congress in 1990. Besides the regulatory problems, the hearing also explored opportunities to change the web of regulations to ensure a stable and adequate gasoline market. In addition, the subcommittee looked into efforts to reduce the cost of crude oil, the Federal Trade Commission's findings that price gouging contributed to price spikes in the Midwest, and conservation.

Witnesses included: John Cook, Director, Petroleum Division, Energy Information Administration, Department of Energy; Robert D. Brenner, Acting Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Dr. Don L. Coursey, professor, Harris School of Public Policy, University of Chicago; Robert Slaughter, general counsel, National Petrochemical and Refiners Association; Ben Lieberman, senior policy analyst, Competitive Enterprise Institute; and A. Blakeman Early, environmental consultant, American Lung Association.

6. *"Air Transportation—Customer Problems and Solutions," July 31, 2001*

a. Summary.—Since Congress enacted the Airline Deregulation Act in 1978, air fares have fallen, more cities have more air service, and fatalities in the air have decreased. However, there are still problems concerning customer service, especially delays. In 2000, one in four flights were late, diverted or canceled. There is a growing gap between the demand for air transportation and the capacity to meet that demand. Some believe that air transportation problems can best be addressed by increasing airport capacity. The Department of Transportation's [DOT] Federal Aviation Administration [FAA] estimated an average 10 years planning cycle for new commercial runways—from time of active planning to the start of construction. In many cases, the process took 15 to 20 years. One factor contributing to this lengthy process is due to the fact that there are approximately 40 Federal laws, Executive orders, and regulations governing runway and airport construction. The hearing explored the timetable for regulatory streamlining to address airport capacity and the growing demand for air transportation. It highlighted possible solutions, such as shortened time lines, a better coordinated review process that is simultaneous instead of sequential, and time limits both at the Federal and State/local levels.

The minority also mentioned investment in high-speed rail. One out of every three flights in the Nation is 350 miles or less, and

some of the most congested airports have a disproportionate number of these short flights.

Witnesses included: Donna McLean, Assistant Secretary for the Office of Budget and Programs and Chief Financial Officer, DOT; Jane Garvey, Administrator, FAA, DOT; Ed Merlis, senior vice president, legislative and international affairs, Air Transport Association of America, Inc.; Todd Hauptli, senior vice president, legislative affairs, American Association of Airport Executives; Henry Ogrodzinski, president and chief executive officer, National Association of State Aviation Officials; David Krietor, aviation director, Phoenix Sky Harbor Airport; and Sue Sandahl, council member at large, Richfield City Council, Minnesota.

7. *“FERC: Regulators in Deregulated Electricity Markets,” August 2, 2001*

a. Summary.—The root causes of the California energy crisis include: a flawed market design, lack of supply growth over the preceding decade, substantial demand growth in California and the entire West, high natural gas prices, and historic low hydroelectric levels. These factors contributed to a serious deficiency in electric power supply and caused wholesale energy prices to skyrocket. The minority finds that withholding of supplies and price gouging by electricity generators were major contributing factors. The Federal Energy Regulatory Commission [FERC] had been criticized for its role in electricity deregulation, especially with regard to California. The hearing focused on FERC’s ability to properly monitor deregulated markets to ensure that electricity prices are “just and reasonable,” as required under the Federal Power Act. The purpose of the hearing was to determine how FERC could improve its procedures to avoid a future crisis, like the one experienced in California. It assessed FERC’s vision for market monitoring, as it outlined in Order 2000, agency staff levels and experience, and FERC’s plan for addressing unplanned outages.

Key witnesses included: Kevin Madden, General Counsel, FERC; Shelton Cannon, Deputy Director, Office of Markets, Tariffs and Rates, FERC; James E. Wells, Director, Natural Resources and Environment, General Accounting Office; Terry Winter, president and chief executive officer, California Independent System Operator; Phillip Harris, president and chief executive officer, PJM Interconnection, L.L.C.; and William Hogan, professor, John F. Kennedy School of Government, Harvard University.

8. *“Elevating EPA: Creating a New Cabinet Level Department,” Part I, September 21, 2001*

a. Summary.—Two bills were introduced to elevate the Environmental Protection Agency [EPA] to a cabinet level department; both were referred to the subcommittee. However, H.R. 2438 and H.R. 2694 introduced by Congressman Sherwood Boehlert and Congressman Steve Horn, respectively, take two vastly different approaches. In addition Congressman Vernon Ehlers introduced legislation, which would create a specific Deputy Administrator for Science. Two of these bills suggest the need for an evaluation of EPA’s organization and structure to achieve its mission. The hearing examined the differences in the legislation as well as EPA’s

current organizational structure. Since its inception in 1970 by a Nixon Executive order, EPA has been an agency that was created piecemeal. Although this piecemeal approach was effective at eliminating numerous past sources of pollution, the Nation faces more complex environmental challenges. Many have argued that dealing with these more complicated environmental issues will require a different approach than that embodied in the environmental laws of the past and one requiring changes in EPA as well.

Witnesses included: Representative Sherwood L. Boehlert; Representative Stephen Horn; Representative Vernon Ehlers; Dr. J. Clarence Davies, senior fellow, Resources for the Future; Dr. Janet L. Norwood, fellow, National Academy of Public Administration; Dr. Robert W. Hahn, director, AEI-Brookings Joint Center for Regulatory Affairs; and Janice Mazurek, director, Center for Innovation and the Environment, Progressive Policy Institute.

9. *“Natural Gas Infrastructure and Capacity Constraints,” October 16, 2001*

a. Summary.—The hearing examined the infrastructure and capacity constraints in California, and the unprecedented high natural gas prices. It also addressed the steps taken since May 2001 to realign the market and steps which still need to be taken. During 2000 and 2001, southern California experienced natural gas prices in the range of twice the national average and at times up to \$60 per million Btus at the California border trading locations. The hearing also reviewed the factors that may have contributed to high prices, including out-of-balance supply and demand, limited interstate and intrastate natural gas transmission lines, a key pipeline capacity contract, and market manipulation. Since May 2001, prices have stabilized due in part to actions taken by the Federal Energy Regulatory Commission [FERC], California State agencies, and a slowing economy. The hearing reviewed further actions and authority that FERC may need to prevent unbalanced energy prices from occurring elsewhere in the United States.

Key witnesses included: Pat Wood III, chairman, FERC; Loretta Lynch, president, California Public Utilities Commission; Michal C. Moore, commissioner, California Energy Commission; Lad Lorenz, director, capacity and operational planning, Southern California Gas Co.; Paul R. Carpenter, principal, Brattle Group; Professor Joseph Kalt, John F. Kennedy School of Government, Harvard University; Paul Amirault, vice president, Marketing, Wild Goose Storage, Inc.; and Gay Friedmann, senior vice president, legislative affairs, Interstate Natural Gas Association of America.

10. *“What Regulations Are Needed to Ensure Air Security?” November 27, 2001*

a. Summary.—In over 5 years, the Department of Transportation’s [DOT] Federal Aviation Administration failed to issue a final rule on certification of screening companies. Since September 11, 2001, President Bush and Congress began to examine the existing air security system, including the laws, regulations, and actual practices. Much was found lacking. On November 19th, President Bush signed a comprehensive Aviation and Transportation Security Act written by Congress. The law placed responsibility for air secu-

rity in the hands of DOT. Within 1 year, DOT is required to primarily use Federal employees for passenger and baggage screening. In addition, the law addresses many other areas of air security. The new law establishes “emergency procedures” allowing DOT to issue interim final regulations without any public notice and comment. The hearing provided a useful forum for congressional and public input into the regulatory decisionmaking process.

Witnesses included: Representative John Mica; Isaac Yeffet, former director of security for El-Al Airline; Ed Merlis, senior vice president, legislative and international affairs, Air Transport Association of America; Todd Hauptli, senior vice president, legislative affairs, American Association of Airport Executives; John O’Brien, director of engineering and air safety, Air Line Pilots Association; Patricia Friend, president, Association of Flight Attendants; Mark Roth, general counsel, American Federation of Government Employees; and Paul Hudson, executive director, Aviation Consumer Action Project.

11. *“Recognizing a Problem: A Hearing on Federal Tribal Recognition,” February 7, 2002*

a. *Summary.*—There are more than 550 federally recognized tribes in the United States. These tribes come in a variety of shapes and sizes. The task of acknowledging a new group as a tribe is probably one of the most difficult and complicated tasks facing the Department of the Interior [DOI]. The hearing examined issues related to Federal tribal recognition. The Federal recognition of an Indian tribe can have a tremendous effect not only on the tribe but also on the surrounding communities and the Federal Government, especially since recognition exempts tribal land from many State and local laws, such as sales taxes and gambling regulations.

In 1978, DOI’s Bureau of Indian Affairs [BIA] established a regulatory process intended to provide a uniform and objective approach to recognizing tribes. These regulations were updated several times since then. Despite these updates, criticism has continued. Groups seeking recognition claim that the process takes too long. Third-party groups claim that there is little opportunity for public input. Both sides argue that the current process produces inconsistent decisions. In 1999, Indian gaming generated \$9.8 billion in revenues, more than the casinos of Las Vegas. There is little doubt that such large amounts of money are changing both the nature and content of the debate.

Witnesses included: Representative Rob Simmons (CT-02); Neal McCaleb, Assistant Secretary for Indian Affairs, DOI; Barry T. Hill, Director, Natural Resources and Environment Division, General Accounting Office; and Tracy Toulou, Director, Office of Tribal Justice, Department of Justice.

12. *“Accountability for Presidential Gifts,” February 12, 2002*

a. *Summary.*—To ensure no unfair advantage in the policy-making process or other governmental benefits to donors, the American people have the right to know what gifts were received and retained by their President. Several laws, involving six Federal offices and agencies, govern the current system for the receipt, valuation, and disposition of Presidential gifts. The hearing exam-

ined how the current system works and what changes, if any, are needed to prevent future abuses of the Presidential gifts process and to ensure accountability.

In early 2001, there were numerous press accounts regarding President Clinton's decision to accept close to \$200,000 in gifts (each over \$260) during his final year in office, as revealed in his last financial disclosure report. There was also a great deal of press attention focused on 25 furniture gifts returned by the Clintons to the White House residence. To prevent future abuses, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory began its gifts investigation. The hearing revealed initial findings from the subcommittee's investigation, including startling information about retained gifts, valuation of gifts, missing gifts, legal rulings about gifts, and other findings. Eleven charts disclosed details of these findings.

Witnesses included: Scott Harshbarger, president and chief executive officer, Common Cause; Paul Light, director, Center for Public Service, the Brookings Institution; Gregory S. Walden, former counsel, White House Counsel's Office, President George H.W. Bush and ethics counsel for President-Elect George W. Bush's transition; and William H. Taft IV, Legal Advisor, DOS. Bruce R. Lindsey, former assistant to the President and deputy counsel to the President and current designated representative for President Clinton, declined to testify about the Clinton administration.

13. *“California Independent System Operator: Governance and Design of California’s Electricity Market,” February 22, 2002 (field hearing in Sacramento, CA)*

a. *Summary.*—In 2000 and 2001, California experienced an energy crisis that impacted every citizen in the State. Some Californians experienced blackouts; others were asked to curtail energy use. All Californians saw huge increases in their natural gas and electricity bills. However, through the help of the Federal Energy Regulatory Commission's [FERC] market mitigation plan, a cool summer, normal precipitation in the West, and conservation efforts by individual Californians, energy prices dropped back to expected levels.

The hearing revealed that the fundamental factors that exacerbated the energy crisis still exist today. California still lacks adequate energy supply, the transmission system is old and overburdened, and the structure of the electricity market is dysfunctional. The market suffers from inefficiencies in terms of pricing, transparency, transmission and settlement policies. The hearing also examined steps that California needs to take to reform its electricity markets. This includes restoring independence to the California Independent System Operator [CAISO].

Witnesses included: Roderick D. Wright, chairman, California State Assembly Committee on Utilities and Commerce; Anthony Pescetti, vice chairman, California State Assembly Committee on Utilities and Commerce; Patrick Wood III, chairman, FERC; Terry Winter, president and chief executive officer, CAISO; Richard A. Drom, vice president and general counsel, PJM Interconnection, L.L.C.; James C. Feider, president, California Municipal Utilities Association; Jan Smutny-Jones, executive director, Independent

Energy Producers; and Walter P. Drabinski, president, Vantage Consulting, Inc.

14. *“Regulatory Accounting: Costs and Benefits of Federal Regulations,” March 12, 2002*

a. *Summary.*—In Fall 2001, economists Mark Crain and Thomas Hopkins estimated that, in 2000, Americans spent \$843 billion to comply with Federal regulations. Their report also found that small businesses employing fewer than 20 employees face an annual regulatory burden nearly 60 percent greater than a firm employing over 500 employees.

In 1996, Congress required the Office of Management and Budget [OMB] to submit its first regulatory accounting report. In 1998, Congress changed the annual report’s due date to coincide with the President’s Budget. This simultaneous deadline was established so that Congress and the public could be given an opportunity to simultaneously review both the on-budget and off-budget costs associated with each Federal agency imposing regulatory or paperwork burdens on the public. The law requires OMB to estimate the total annual costs and benefits for all Federal rules and paperwork in the aggregate, by agency, by agency program, and by major rule. For OMB’s fiscal and paperwork budgets, OMB requires agencies to prepare budgetary and paperwork estimates, respectively, for each agency bureau and program. In contrast, OMB does not yet similarly task agencies with preparing estimates of the costs and benefits associated with the Federal regulations imposed by each agency bureau and program.

The hearing reviewed OMB’s four regulatory accounting reports issued to date and OMB’s current methodology (or lack thereof) for ensuring future agency and program level detail. All four reports failed to meet some or all of the statutorily-required content requirements. Also, OMB failed to submit its fifth report due on February 4, 2002, with the President’s budget. However, during the hearing, OMB promised to present its sixth draft report with the President budget in early 2003.

Witnesses included: Dr. John D. Graham, Administrator, Office of Information and Regulatory Affairs [OIRA], OMB; Thomas M. Sullivan, chief counsel for advocacy, Small Business Administration; James C. Miller III, former OMB Director and first OIRA Administrator and current counselor to Citizens for a Sound Economy; Dr. Thomas D. Hopkins, former OIRA Deputy Administrator and current dean, College of Business, Rochester Institute of Technology; and Susan Dudley, deputy director, Regulatory Studies Program, Mercatus Center, George Mason University.

15. *“EPA Cabinet Elevation: Federal and State Agency Views,” Part II, March 21, 2002*

a. *Summary.*—As indicated in hearing No. 8 above, two bills were referred to the subcommittee to elevate EPA to a cabinet level department. One offers no reforms to the agency and the other offers a multitude of reforms. At the subcommittee’s September 2001 hearing, the sponsors of the elevation bills testified. In addition, representation from academe testified about the need for reform at EPA.

This second hearing included EPA's Inspector General and the General Accounting Office [GAO], both of whose offices have spent countless hours reviewing, analyzing, and auditing EPA's programs. The hearing documented the emergence of State agencies in protecting the environment. State agencies have become not only the work horses of environmental protection but also leaders in environmental innovation. Most of our major environmental laws are delegated in some fashion to the States. In fiscal year 2000, the States spent \$13.6 billion on environmental and natural resource protection—nearly double the entire budget of EPA.

Witnesses included: Nikki L. Tinsley, Inspector General, EPA; John Stephenson, Director of Natural Resources and Environment, GAO; Karen Studders, Commissioner, Minnesota Pollution Control Agency; and Jane T. Nishid, Secretary, Maryland Department of Environment.

16. *"Paperwork Inflation: The Growing Burden on America," April 11, 2002*

a. Summary.—Every year at tax time, the subcommittee holds a hearing to assess progress since last year and plans for the current year to reduce paperwork burden (see hearing No. 3 above for a summary of the 2001 hearing). The Office of Management and Budget [OMB] estimates the Federal paperwork burden at nearly 7.7 billion hours, over 80 percent of which is imposed by the Internal Revenue Service [IRS]. OMB estimated that the price tag for all paperwork imposed on the public is \$230 billion a year.

In 1980, Congress passed the Paperwork Reduction Act [PRA] and established an Office of Information and Regulatory Affairs [OIRA] in OMB. By law, OIRA's principal responsibility is paperwork reduction. In 1995, Congress passed amendments to the PRA and set government-wide paperwork reduction goals of 10 or 5 percent per year from fiscal years 1996 to 2001. After annual increases in paperwork, instead of decreases, in 1998, Congress required OMB to identify specific expected reductions in fiscal years 1999 and 2000. OMB's resulting report was unacceptable. In 2000, Congress required OMB to evaluate major regulatory paperwork and identify specific expected reductions in regulatory paperwork in fiscal years 2001 and 2002. Again, OMB's resulting report was unacceptable.

The goal of the three 1995 to 2000 paperwork acts was to reduce red tape each year. However, paperwork burdens have increased, not decreased, in each of the last 6 years. In fact, last year saw the largest 1-year increase in paperwork since the 1995 law was enacted. Evidence points to OMB's continued failure to focus on paperwork reduction. OMB has failed to require the IRS and other Federal agencies to cut existing paperwork. Additionally, agencies continue to levy unauthorized paperwork burdens on the American people. OMB has allowed a great number of outstanding violations of law to go unresolved for years (including some in violation for many years). Lastly, to ensure accountability to Congress and the public, it is time for OMB to disclose its specific role in paperwork reduction.

Witnesses included: OMB's OIRA Administrator John Graham; IRS Commissioner Charles O. Rossotti; Vic Rezendes, Managing

Director, Strategic Issues, General Accounting Office; Thomas Hunt Shipman, Deputy Under Secretary for Farm and Foreign Agricultural Services, Department of Agriculture; Scott Cameron, Deputy Assistant Secretary for Performance and Management, Department of the Interior; James M. Wordsworth, president, J.R.'s Goodtimes, Inc., McLean, VA; and Kenneth A. Buback, vice president, human resources, Sutter Health, Sacramento, CA.

17. *"Fuel Markets: Unstable At Any Price?," April 23, 2002*

a. Summary.—Recent years have seen dramatic price increases in gasoline during each spring as demand increases and refiners switch from winter to summer formulations to meet environmental regulations. These two factors have typically led to general increases in prices nationwide as well as regional price spikes. In June 2001, this subcommittee held a similar hearing (see hearing No. 5 above) as gasoline prices soared and consumers in some areas of the country were paying more than \$2 a gallon for regular unleaded gasoline.

Recent unrest in the Middle East and labor protests in Venezuela have increased uncertainty over the supply of crude oil. The cost of crude oil directly affects the cost of refined gasoline products. However, it is not just crude oil markets that affect the price of gasoline. The domestic refining industry is struggling to meet consumer demands as well as comply with an array of complex Federal and State regulatory requirements. Moreover, future gasoline markets may become even less stable as refiners deal with the effects of phasing out the fuel additive MTBE and replacing it with ethanol. Under the Clean Air Act, refiners selling gasoline in areas with severe air pollution are required to add oxygenated fuel additives to the gasoline. Currently, two additives—MTBE and ethanol—constitute nearly all the oxygenates added to fuel. Unfortunately, MTBE has been associated with serious environmental side effects, most notably the pollution of groundwater.

Witnesses included: Vicky Bailey, Assistant Secretary for Policy and International Affairs, Department of Energy [DOE]; Mary Hutzler, Acting Administrator, Energy Information Administration, DOE; William Kovacic, General Counsel, Federal Trade Commission; David Montgomery, vice president, Charles River Associates; Nicholas Economides, director, Hart Downstream Energy Services; and Gordon Rausser, professor of economics, University of California at Berkeley.

18. *"New Concepts in Environmental Policy," May 28, 2002 (field hearing in Orange, CA)*

a. Summary.—In 1970, the Environmental Protection Agency [EPA] was established to address the massive pollution problems our country faced. Through laws, such as the Clean Air Act and the Clean Water Act, EPA sought to reduce the biggest sources of pollution: industry and wastewater treatment plant emissions. EPA took a "command and control" approach to these problems, setting strict emission standards and prescribing the type of technology that industry could use to meet those standards. Although compliance costs were high, EPA's rules did succeed in reducing pollution

from industrial sources. Today, as a result, there is cleaner water and cleaner air.

However, the command and control approach is no longer the most effective way to address our environmental challenges. Many experts argue that further progress on environmental improvement will require a different approach to environmental regulation—to seek innovative ways to manage our environment. New approaches will depend on government agencies fostering the creativity and ingenuity of private individuals, organizations, and associations.

Witnesses included: Wayne Nasti, Regional Administrator, EPA Region IX; Professor A. Denny Ellerman, Center for Energy and Environmental Policy Research, Massachusetts Institute of Technology; and Dr. Kenneth P. Green, director of environmental program, Reason Public Policy Institute.

19. *“Energy: Maximizing Resources, Meeting Needs, Retaining Jobs,” June 17, 2002 (field hearing in Peabody, MA)*

a. Summary.—In May 2001, the Bush administration unveiled its National Energy Policy, a comprehensive plan to address the Nation’s energy needs. The President’s plan recommended policies to increase energy supply, improve energy infrastructure, encourage energy efficiency and renewable energy technologies, and protect our environment. Since then, the House and Senate have considered differing energy bills. This field hearing examined aspects of U.S. energy policy, with a focus on energy efficiency and renewable energy technologies.

Witnesses included: Stephen Bernow, energy group director, Tellus Institute; Byron Swift, director, Energy and Innovation Center, Environmental Law Institute; David Fairman, vice president, International Dispute Resolution, the Consensus Building Institute; and Roger Little, chief executive officer, Spire Corp.

20. *“EPA Cabinet Elevation: Agency and Stakeholder Views,” Part III, July 16, 2002*

a. Summary.—As indicated in hearings No. 8 and No. 15 above, two bills were referred to the subcommittee to elevate EPA to a cabinet level department. One offers no reforms to the agency and the other offers a multitude of reforms. At the subcommittee’s September 2001 hearing, the sponsors of the elevation bills testified. In addition, a number of policymakers from the academic community testified about the need for reform at EPA. At the subcommittee’s March 2002 hearing, EPA’s Inspector General and the General Accounting Office testified. State environmental protection agency heads also testified since State agencies have become not only the work horses of environmental protection but also leaders in environmental innovation.

The old “command and control” approach is inflexible and imposes high compliance costs. Innovative ways are needed to manage the environment while maintaining high standards of environmental protection. There must be flexibility to meet those standards in new ways. Government bureaucrats should not be environmental bean counters but environmental managers. The goal should neither be the number of permits issued nor the amount of

money spent but, rather, the ultimate result—a cleaner environment.

Witnesses included: Christine Todd Whitman, Administrator, EPA; James Connaughton, chairman, Council on Environmental Quality; J. William Futrell, president, Environmental Law Institute; and William Kovacs, vice president for environment and regulatory affairs, U.S. Chamber of Commerce.

21. *“California Electricity Markets: The Case of Enron and Perot Systems,” July 22, 2002*

a. Summary.—Prior to the hearing, a number of news agencies ran stories about how companies attempted to game the California electricity market. The hearing examined the activities of the Perot Systems Corp., including whether it shared confidential information with other market participants and whether it notified the California Independent System Operator [CAISO] or the California Power Exchange (PX) of flaws in the design of the California electricity market. The hearing also examined CAISO’s response to the Enron Corp.’s energy trading schemes. Expert witnesses concluded that Perot Systems did not share confidential information about the CAISO computer protocols. Witnesses did acknowledge that serious design flaws in the California electricity market led to many of the problems which California experienced during the energy crisis.

Witnesses included: Terry Winter, president, CAISO; Dr. Charles J. Cicchetti, Jeffrey Miller Chair in Government, Business and the Economy, University of Southern California; George Backus, president, Policy Assessment Corp.; and Paul Gribik, former employee of Perot Systems Corp. H. Ross Perot, chairman, Perot Systems Corp.; and Tim Belden, a former energy trader for the Enron Corp., declined to testify.

22. *“Agency Implementation of the SWANCC Decision,” September 19, 2002*

a. Summary.—In January 2001, the Supreme Court issued a sweeping decision on Federal jurisdiction over wetlands, finding that the U.S. Army Corps of Engineers and the Environmental Protection Agency [EPA] had exceeded their authority under the Clean Water Act. In July 2001, the subcommittee wrote the Corps and EPA requesting that the agencies issue clarifying guidance and initiate a rulemaking to ensure that Federal regulations were consistent with the Supreme Court’s decision. The hearing responded to the failure of both agencies to take even the most rudimentary steps to ensure that their regulations are being consistently applied.

On the last day of the Clinton administration, the Corps and EPA issued a joint memorandum to their regional offices. However, it appears that the memorandum has done little to clarify Federal jurisdiction; instead, it established a case-by-case approach, which has resulted in widely varying interpretations of the scope of jurisdiction by field offices of both agencies. This inconsistency has led to citizens across the country receiving unequal treatment from their government.

The current situation has created confusion and chaos not only for the regulated community but also for the States. The lack of action by the two Federal agencies to clarify the current situation hinders States in their ability to implement their own programs to protect wetlands. In addition to State programs, there are numerous other Federal programs related to wetlands. Until other Federal agencies understand the scope of jurisdiction, it will be difficult, if not impossible, for them to effectively prioritize their programs.

Witnesses included: Dominic Izzo, Deputy Assistant Secretary for Civil Works, Department of the Army, Department of Defense; Robert Fabricant, General Counsel, EPA; Thomas Sansonetti, Assistant Attorney General for Environment and Natural Resources, Department of Justice; Virginia S. Albrecht, Hunton and Williams; M. Reed Hopper, principal attorney, Pacific Legal Foundation; Nancie G. Marzulla, president, Defenders of Property Rights; and Raymond Steven Smethurst, partner, Adkins, Potts and Smethurst.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONS

Hon. Stephen Horn, *Chairman*

1. *“Are the Financial Records of the Federal Government Reliable?”
March 30, 2001*

a. Summary.—This hearing was the first in a series of oversight hearings to examine the financial management practices at Federal departments and agencies, including the Internal Revenue Service, the Department of Agriculture, the Department of Transportation and the Department of Defense. These hearings focused on the actions agencies have taken, or need to take, to resolve the Federal Government’s longstanding financial management problems. The subcommittee issued its annual financial management report card at this hearing, grading each of the 24 major departments and agencies in the executive branch on their financial management practices. The Federal Government earned an overall grade of C- for fiscal year 2000. During this hearing, witnesses stressed the importance of improving the Government’s financial accountability and reporting.

2. *“Management Practices at the Internal Revenue Service,” April 2, 2001*

a. Summary.—During this hearing, the subcommittee examined management practices at the Internal Revenue Service [IRS], which is responsible for collecting 95 percent of the Federal Government’s annual revenue and for enforcing the Nation’s tax laws. This hearing focused on the IRS’s progress in implementing reforms required under the IRS Reform and Restructuring Act of 1998 and on the General Accounting Office’s March 30, 2001, audit report. Hearing witnesses included IRS Commissioner Charles O. Rossotti and Chairman Larry Levitan of the IRS Oversight Board. During the hearing, witnesses expressed concern over the security of IRS computer systems that safeguard the \$2 trillion in tax revenue collected in fiscal year 2000. Although the IRS still has dif-

faculty performing timely financial statements on an on-going basis, the GAO reported that progress is being made. The IRS received a clean audit opinion on its financial statements for fiscal year 2000.

3. *“Regional Offices: Are they Vital in Accomplishing the Federal Government’s Mission?” San Francisco, CA, April 9, 2001*

a. *Summary.*—The current Federal Regional Office system was established in 1969. In recent years, however, advancing technology and expansion of the Internet has led the Federal Government to focus more attention on e-government and its potential to deliver Federal services more quickly. This field hearing examined whether regional Federal offices are still needed, given the speed and accessibility of electronic communications. Witnesses discussed the background and earlier need for these offices as well as many problems that continue to exist, including Federal agencies’ “top-down” management style, which often imposes overly strict planning requirements on their regional offices.

4. *“What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?” San Diego, CA, April 13, 2001*

a. *Summary.*—During this joint field hearing with the Subcommittee on Criminal Justice, Drug Policy and Human Resources, the subcommittees explored the ways that various levels of government could better work together to address the problem of illegal drug trafficking in the Nation. The hearing included testimony from witnesses representing key Federal, State and local government organizations involved in narcotics interdiction who discussed the challenges they confront in their efforts to stem the flow of illegal drugs. The subcommittees also heard testimony from representatives of community-based organizations that have successfully eliminated blatant drug markets in their neighborhoods. The conclusions drawn from this hearing include the need for better communication and coordination between the various levels of government, as well as better government partnering with successful private sector and non-profit groups that have demonstrated success in this effort.

5. *“The Alameda Corridor Project: Its Successes and Challenges,” Long Beach, CA, April 16, 2001*

a. *Summary.*—This field hearing was held in Long Beach, CA, to examine the successes and challenges of the Alameda Corridor Project, a grade-separated rail link between the ports of Long Beach and Los Angeles and railway terminals near downtown Los Angeles. The subcommittee learned that this \$2.4 billion public works project, one of the largest in the Nation, is proceeding on time and within budget. Witnesses agreed that the success of the project was largely due to the need to expedite cargo to and from the busy port complex. Because the Alameda Corridor project will benefit both public and private sectors as port traffic continues to increase, there has been significant cooperation among the ports, the railroads and the cities affected by the project. In addition, overall management of the project by the Alameda Corridor Transportation Authority has been extremely efficient and effective. Wit-

nesses included representatives from State and local government, the Alameda Corridor Transportation Authority and the railroads involved in the project.

6. *“Implementation of the Travel and Transportation Reform Act of 1998: Why Haven’t Federal Employees Been Held Accountable for Millions of Dollars of Federal Travel Expenditures?” May 1, 2001*

a. *Summary.*—The subcommittee held this hearing to examine the financial management of the Government travel card program. Witnesses included representatives from the banks that issue Government travel cards, the General Services Administration, which administers the program, several Federal departments and agencies that participate in the program, and the General Accounting Office. The subcommittee learned that although the Government is saving money by using the streamlined program, the Department of Defense’s contracting bank, the Bank of America, reported that more than 40,000 Defense Department employees have defaulted on more than \$40 million in Federal travel expenditures since the program began in November 1998. Bank officials told the subcommittee that it was currently writing off more than \$2 million in Federal travel expenditures each month. The subcommittee also learned that several Federal agencies were also having trouble paying their centrally billed accounts. According to bank officials, the Bank of America had incurred more than \$7.5 million in losses due to slow or non-payments.

7. *“The Department of Defense: What Must be Done to Resolve DOD’s Longstanding Financial Management Problems?” May 8, 2001*

a. *Summary.*—During this hearing, the subcommittee examined how the Defense Department accounts for the billions of tax dollars it spends annually. The hearing focused on a March 30, 2001, audit report by the General Accounting Office in which auditors found that, for the 5th consecutive year, the Department of Defense was unable to maintain effective internal controls over its financial management systems. Further, the GAO found that the Defense Department did not comply with the Federal Financial Management Improvement Act of 1996 and was unable to account for many of its assets, estimate the costs for cleaning up and disposing of extensive environmental contaminants, or accurately document the net cost of its operations. The subcommittee gave the department a grade of “F” on its annual financial management report card. The Department of Defense receives approximately one-half of the Federal Government’s discretionary budget.

8. *“The Agency for International Development: What Must be Done to Resolve USAID’s Longstanding Financial Management Problems?” May 8, 2001*

a. *Summary.*—At this hearing, the subcommittee examined financial management at the U.S. Agency for International Development [USAID]. During fiscal year 2000, the USAID received nearly \$7 billion in appropriated funds and had a reported \$6.6 billion in net loans receivable outstanding. Yet the USAID was unable to

produce reliable, auditable financial statements, according to the agency's Inspector General. The Inspector General also reported that the USAID had several material weaknesses in its internal controls and did not comply with significant requirements of laws and regulations relating to Federal financial management. The agency received an "F" on the subcommittee's annual financial management report card.

9. *"The Department of Agriculture: What Must be Done to Resolve USDA's Longstanding Financial Management Problems?" May 8, 2001*

a. *Summary.*—The subcommittee held this hearing to examine financial management at the Department of Agriculture, which spends billions of dollars each year for a broad spectrum of programs, including farm loans and nutrition programs, such as Food Stamps. The department administers \$124 billion in loans and loan guarantees, but the subcommittee found that it maintains some of the poorest financial records in the Federal Government. At the hearing, representatives from the department acknowledged the existence of serious financial management problems and pledged to make improvements.

10. *"H.R. 866, a bill to prohibit the provision of financial assistance by the Federal Government to any person who is more than 60 days delinquent in the payment of any child support obligation," June 6, 2001*

a. *Summary.*—This hearing examined a bill that would prohibit financial assistance by the Federal Government to anyone who is more than 60 days delinquent in the payment of any child support obligation. Witnesses included Representative Michael Bilirakis from Florida who introduced the bill, representatives from Federal agencies that provide health services and loans, and representatives of non-profit groups concerned with child welfare. Concerns were raised that the legislation could adversely affect children's welfare by cutting financial aid to their non-custodial parents. In addition, the subcommittee learned that delays in obtaining timely information from the States could adversely affect non-custodial parents who were attempting to fulfill their child-support obligations.

11. *"How Effectively are State and Federal Agencies Working Together to Implement the Use of New DNA Technologies?" June 12, 2001*

a. *Summary.*—This hearing examined how State and Federal law enforcement agencies are working together to ensure that recently developed DNA technology is available and being used to the fullest extent possible throughout the Nation. The use of DNA evidence provides criminal investigators with a powerful forensic tool that may either incriminate or clear a suspect. The subcommittee learned that hundreds of thousands of DNA samples have been collected nationwide, which has created enormous processing backlogs for State and local forensic laboratories. The DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) authorized \$45 million in grants over 3 years to address the convicted offender back-

log and another \$125 million over 4 years to eliminate ongoing casework backlogs. However, witnesses told the subcommittee that there are serious shortages of forensic scientists who are trained in DNA technology and laboratories that are capable of processing DNA samples.

12. *“The Results Act: Has It Met Congressional Expectations?” June 19, 2001*

a. Summary.—The Government Performance and Results Act of 1993 (Public Law 103–62) was enacted to encourage greater efficiency, effectiveness and accountability in the Federal Government. The Results Act requires Federal departments and agencies to set goals and to use performance measures for management purposes and future budgeting. The law requires agencies to submit long-range strategic plans that are to be updated every 3 years, as well as annual performance plans and reports. The first performance reports comparing actual performance to agency goals were submitted on March 31, 2000. At the hearing, the subcommittee reviewed agency performance plans and reports submitted on March 31, 2001, and discussed several problem areas found in the reports. Specifically, agency results were difficult to assess due, in part, to overlapping programs and inadequate performance data. In general, witnesses testified that the performance reports and plans had major deficiencies. Witnesses concluded that consistent Government oversight is needed to ensure that the law is properly implemented.

13. *“Is the CIA’s Refusal to Cooperate with Congressional Inquiries a Threat to Effective Oversight of the Operations of the Federal Government?” July 18, 2001*

a. Summary.—The subcommittee held a joint hearing with the Subcommittee on National Security, Veterans Affairs and International Relations on effective oversight of the Central Intelligence Agency. The hearing was a result of the Central Intelligence Agency’s unwillingness to cooperate with the oversight activities of the two subcommittees. The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations had requested the General Accounting Office to conduct a survey of computer security involving classified systems. With the exception of the CIA, all Federal agencies responded to the survey. The CIA cited a change in the rules of the House as justification for its refusal to cooperate. At the hearing, witnesses agreed that the CIA should be more responsive to congressional inquiries. However, they disagreed about the amount of information the agency should disclose to committees other than the House Permanent Select Committee on Intelligence. The debate centered on the definition of “sources and methods.” CIA advocates argued that the agency’s sources and methods encompass all of the agency’s activities and operations. Other witnesses defined “sources and methods” as the direct means of gathering intelligence information.

14. *"The Defense Department's Illegal Manipulation of Appropriated Funds," July 23, 2001*

a. *Summary.*—This hearing focused on a General Accounting Office [GAO] report, released at the hearing, which found that the Department of Defense [DOD] made \$615 million in illegal and improper "adjustments" to closed appropriations accounts. These "adjustments" enabled the DOD to resurrect and use funds beyond the time limits imposed by congressional appropriations and, perhaps, in amounts exceeding congressional appropriations. The hearing explored how these illegal adjustments were allowed to occur and what could be done to prevent such abuses in the future. The DOD witnesses acknowledged the problem and pledged to take appropriate corrective actions. The subcommittee has asked the GAO to determine what corrective actions the department has taken and whether they are effective.

15. *"The Use and Abuse of Government Purchase Cards: Is Anyone Watching?" July 30, 2001*

a. *Summary.*—This hearing examined the Federal Government's purchase card programs at two units within the Department of the Navy—the Space and Naval Warfare Systems Center and the Navy Public Works Center, both located in San Diego, CA. Witnesses included the commanding officers at both facilities, the admiral in charge of the facilities' purchase card program, and other Defense Department agencies responsible for the department's financial management. The subcommittee learned that there was a proliferation of the Government-guaranteed credit cards issued to employees at the facilities, yet there was poor financial control over either program. The General Accounting Office, which audited the programs, found several cases of fraudulent use of the credit cards, and numerous instances of questionable purchases, such as flowers, Mary Kay cosmetics, designer briefcases and gift certificates to Nordstrom.

16. *"Local Economy, Environment, and Intergovernmental Cooperation: What Can Be Learned from Ft. Ord?" Monterey, CA, August 28, 2001*

a. *Summary.*—This field hearing examined the local impact of the base closure process at Fort Ord in northern California. During the 1991 Base Closure and Realignment [BRAC] process, Fort Ord, an active army post from 1917 to 1994, was recommended for closure. After the fort's closure in 1994, the local community suffered a severe economic impact. According to witnesses from cities surrounding the closed facility, environmental hazards, such as lead paint and unexploded ordinance, have hampered the reuse process. These witnesses testified that various levels of government bureaucracy have also slowed redevelopment. At the time of the hearing, only a small percentage of the base's more than 27,000 acres had been redeveloped. Additionally, local witnesses testified that a plethora of State and Federal environmental laws coupled with complex laws governing who is responsible for clean-up costs continue to delay redevelopments and revitalization of the local economy.

17. *“What Can Be Done to Reduce the Threats Posed By Computer Viruses and Worms to the Workings of Government?” San Jose, CA, August 29, 2001*

a. Summary.—This field hearing highlighted the reported damage to the Federal Government’s computer systems resulting from a rash of computer viruses and worms, including Code Red, Code Red II, and SirCam. In addition, the hearing examined the extent of the potential threat, emphasizing the need for proactive measures to protect critical operations and assets from more damaging attacks. Witnesses stressed the need for software vendors to improve their development practices and produce more secure systems. Although progress is being made in these areas, witnesses emphasized that substantial challenges remain.

18. *“Information Technology—Essential Yet Vulnerable: How Prepared Are We for Attacks?” September 26, 2001*

a. Summary.—During this hearing, witnesses discussed the probability of cyber-attacks against the Nation’s critical computer-dependent infrastructure and the Nation’s preparedness to deal with such attacks. Witnesses detailed the specific types of security weaknesses that pervade Federal agencies and demonstrated how these weaknesses increase the potential for cyber-attacks against targets such as the networks that control critical information and operations. In addition, witnesses summarized the lessons learned from the September 11, 2001, attacks, and made recommendations on the actions that are necessary to strengthen the overall security of the Nation’s information infrastructure.

19. *“A Silent War: Are Federal, State, and Local Governments Prepared for Biological and Chemical Attacks?” October 5, 2001*

a. Summary.—The subcommittee held this hearing to examine the Nation’s ability to respond to biological or chemical attacks. Witnesses included Federal, State and local officials who are responsible for responding to national emergencies and others who have special expertise in the area of biological/chemical attacks. The subcommittee learned that although progress has been made toward coordinating Federal, State and local efforts to respond to emergencies, several problems remain that could impede the Nation’s ability to respond to a large-scale emergency. These impediments include an inadequately funded public health system, hospitals’ inability to handle massive casualties, an inadequate national pharmaceutical stockpile of vaccines and antibiotics, and the poor flow of intelligence information from Federal law enforcement agencies to local police departments.

20. *“The Debt Collection Improvement Act of 1996: How Well Is It Working?” October 10, 2001*

a. Summary.—This hearing was the latest in a series of hearings held by the subcommittee to examine Federal debt collection practices in general and implementation of the Debt Collection Improvement Act of 1996 [DCIA] in particular. The DCIA established new tools and expanded existing ones to enhance the collection of non-tax-related Federal debt. The subcommittee received testimony from the General Accounting Office and the Departments of Edu-

cation, Health and Human Services, Treasury, and Veterans Affairs on their progress in implementing the DCIA. The hearing also explored the results of a survey the subcommittee conducted to examine how effectively 27 major Federal agencies were implementing the DCIA. The hearing demonstrated that, while some progress has been made, agencies must do a much better job in collecting delinquent debts. For example, not one major agency fully complied with the DCIA's basic mandate to refer eligible debts to the Treasury Department once they become more than 180 days delinquent. The subcommittee plans to issue an oversight report on this subject next year.

21. *"The Presidential Records Act of 1978," November 6, 2001*

a. *Summary.*—The Presidential Records Act declared Presidential records to be Federal property and placed them in the custody and control of the Archivist of the United States. The act first applied to the records of the Reagan administration. In January 2001, many of the Reagan records became subject to public disclosure under the terms of the act. However, concerns over how to handle potential "Executive privilege" claims have delayed the release of the records. Shortly before the subcommittee's hearing, President Bush issued Executive Order No. 13233 (November 1, 2001), which established new procedures to deal with Executive privilege claims of a former or incumbent President concerning records subject to the act. During the hearing, the subcommittee examined the impact of the Executive order on the Presidential Records Act. Administration witnesses defended the new Executive order. However, other witnesses expressed concern that the order violates the Presidential Records Act and would impede disclosure of a former President's records. Subsequent to the hearing, the subcommittee received many other expressions of opposition to the order on both legal and policy grounds.

22. *"Computer Security: How is the Government Doing?" November 9, 2001*

a. *Summary.*—At this hearing, the subcommittee issued its second annual computer security report card, grading the 24 major executive branch departments and agencies on their computer security efforts. With assistance from the General Accounting Office [GAO], the subcommittee analyzed recent information security audits and evaluations of Federal agencies by the GAO and agency Inspectors General. The subcommittee found that pervasive weaknesses continue to exist in agency information systems. During the hearing, the GAO identified serious weaknesses at Federal departments and agencies and outlined major common weaknesses that agencies need to address to improve their information security programs. The GAO emphasized the importance of establishing a strong agencywide security program at each agency and developing a comprehensive governmentwide strategy for improvement. Witnesses discussed the administration's efforts to strengthen the security of the Nation's computer and communications systems and outlined the Office of Management and Budget's role in improving agency security programs by making adequate security a condition for approving all budget requests.

23. *“Law Enforcement: Are Federal, State and Local Agencies Working Together Effectively?” November 13, 2001*

a. Summary.—This hearing followed up on the subcommittee’s October 5, 2001, hearing in which witnesses testified that following the September 11, 2001, terrorist attacks, Federal law enforcement agencies failed to provide sufficient intelligence information to local police departments in a timely manner. Witnesses included representatives from Federal law enforcement agencies, local police departments, and a mayor. Local government officials testified that their inability to obtain a Government security clearance seriously impeded their efforts to obtain information and protect their communities. Representative Horn subsequently introduced legislation to extend security clearance background checks to Governors, mayors of cities with a population of 30,000 or more, and police chiefs of departments that participate in Federal joint task forces.

24. *“Does America Need a National Identifier?” November 16, 2001*

a. Summary.—The terrorist attacks of September 11, 2001, renewed calls for a national identification system to improve national security. The recent lapses in identification security prompted the subcommittee to hold a hearing to examine the public policy implications of a national identification system, including civil liberties, law enforcement, security and technical issues. At this hearing, witnesses debated the necessity of an improved national identity system. While both panels agreed that some improvements to the identity system are necessary, witnesses did not support a mandatory national identification card. On the second panel, witnesses voiced differing views on the technological feasibility of a centralized national identification database. Subcommittee members also received testimony from a representative of Belgium, a country that requires citizens to carry a national identification card.

25. *“The Debt Collection Improvement Act of 1996: How Well Is It Working?” December 5, 2001*

a. Summary.—This hearing was a continuation of the subcommittee’s October 10, 2001, hearing on implementation of the Debt Collection Improvement Act of 1996. One of the witnesses scheduled to testify at that hearing, Deputy Secretary of Agriculture James R. Moseley, was unable to attend. The primary purpose of the December 5 hearing was to receive Mr. Moseley’s testimony. As such, it focused on debt collection at the Department of Agriculture. The subcommittee also received testimony from the General Accounting Office and the Treasury Department’s Financial Management Service on the Agriculture Department’s debt-collection practices. The hearing exposed serious deficiencies in the Agriculture Department’s debt-collection efforts. It also elicited a strong personal commitment from Deputy Secretary Moseley to improve the department’s debt-collection performance during 2002. The subcommittee intends to track the department’s progress during the coming year.

26. *"The President's Management Agenda: Getting Agencies from Red to Green" February 15, 2002*

a. *Summary.*—President George W. Bush issued his management agenda in August 2001. The management agenda targets the core management and capacity problems facing the Federal Government. The management agenda identifies five governmentwide initiatives that need focused attention. The initiatives include: the hiring and retaining of a skilled, motivated Federal workforce; eliminating the Government's pervasive inability to properly manage its money; ensuring that Federal programs achieve effective results from their massive investment of tax dollars; expanding electronic government; and increasing public-private competition for commercial-type Federal activities. The President's budget for fiscal year 2003 contained a scorecard showing that Federal agencies rated very poorly in each of these initiatives. The subcommittee conducted this hearing to examine the President's initiatives and to learn what Federal agencies need to do to improve their performance in these areas. Representative Pete Sessions (R-TX), chairman of the Results Caucus, testified that the Federal Government should be held to the same strict performance measures as private-sector businesses in order to achieve the most effective results for its customers—the American people.

27. *"How Effectively Are Federal, State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack?" Nashville, TN, March 1, 2002*

a. *Summary.*—This field hearing was the first of 11 field hearings in which the subcommittee examined the efforts of Federal, State and local governments in preparing for a biological, chemical or nuclear terrorist attack. Witnesses from the Federal Emergency Management Agency, the Federal Bureau of Investigation and the General Accounting Office [GAO] testified at each field hearing along with representatives of State and local governments. The subcommittee learned that since September 11, 2001, budget constraints at all levels of government are inhibiting local first responders in their efforts to upgrade protective gear and equipment and increase needed manpower. First responders and State officials emphasized the need for the Federal Government to produce national guidelines and criteria for an effective emergency response effort. Witnesses also stressed the importance of putting accountability and performance measures in place to ensure that all citizens are adequately protected.

28. *"Lessons Learned from the Government Information Security Reform Act of 2000," March 6, 2002*

a. *Summary.*—On March 6, 2002, the subcommittee held its fourth hearing on computer security, focusing on implementation of the Security Act and, in particular, its effectiveness in improving the security of Federal information systems. During the hearing, the subcommittee examined the development and promulgation of security standards; the development of agency security programs; and the oversight roles of agency heads, the Director of the OMB and the GAO. Witnesses from the GAO, the OMB and Federal agencies all emphasized the value of the act's reporting require-

ments in fostering senior management accountability and attention to computer security issues. In addition, witnesses said that the Security Act has established a security baseline from which to measure future agency progress in improving security. The GAO testified that agencies had made a significant first step in implementing the act; however, they had not established information security programs consistent with the act's requirements. Significant weaknesses still existed in the areas of providing security policy guidance, conducting risk assessments, developing agencywide security programs, implementing adequate security controls, establishing security incident centers and conducting security training. The OMB witness emphasized that the agency's oversight role will be supported by the incorporation of security performance measurements in the President's Management Scorecard. Agency witnesses identified specific strategies their agency was using to improve implementation of the act. The strategies included reforming accreditation and certification processes, improving information technology investment review processes, and focusing security protections on the highest priority assets.

29. *"The Use and Abuse of Government Purchase Cards," March 13, 2002*

a. Summary.—This hearing was one of a series of hearings examining management oversight of the Government purchase and travel card programs at the Department of Defense. This hearing followed up a July 30, 2001, hearing that examined the purchase card programs at two Navy units in San Diego, CA—the Space and Naval Warfare Systems Center and the Navy Public Works Center. The GAO found that although progress had been made in strengthening internal controls, pervasive misuse of the purchase cards continued at an alarming rate. Unit commanders had made some improvements, including a reduction in the number of cards being issued and an increase in the number of approving officials. However, GAO witnesses stressed the importance of allocating sufficient financial and human resources to support adequate levels of management and training, as well as the need for a sustained commitment by senior management and base commanders to further reduce purchase card misuse.

30. *"The National Aeronautics and Space Administration: What Went Wrong?" March 20, 2002*

a. Summary.—This hearing focused on financial management at the National Aeronautics and Space Administration [NASA] during fiscal year 2001 and on the actions NASA was taking to resolve its financial management problems. Until fiscal year 2001, NASA had received unqualified opinions on its financial statements. For the previous 5 years, NASA's Office of the Inspector General had contracted with the firm of Arthur Andersen to audit its financial statements. During that period, Arthur Andersen auditors consistently reported that NASA's financial statements were fairly stated and issued unqualified opinions. However, NASA's Office of the Inspector General contracted with PricewaterhouseCoopers to audit NASA's fiscal year 2001 financial statements. The new auditors reported that they were unable to determine whether the 2001 finan-

cial statements were reliable and issued a disclaimer on these statements because of significant internal control weaknesses. In addition, for the past 4 years, NASA's financial management systems were reported to have been in compliance with the Federal Financial Management Improvement Act. However, this year PricewaterhouseCoopers concluded that the agency's systems did not comply with the act. The GAO noted that NASA's financial management problems are not new. NASA has been on the GAO's high-risk list for contract management since 1990. In addition, the fiscal year 2001 audit report identified a number of significant internal control weaknesses related to accounting for Space Station material and equipment, and computer security.

31. *"Oversight of the Department of Defense: What is Being Done to Resolve Longstanding Financial Management Problems?"*
March 20, 2002

a. *Summary.*—This hearing focused on the status of financial management at the Department of Defense and what is being done to resolve the department's longstanding financial problems. The Department of Defense is the largest of the 14 Cabinet-level departments. As such, it has been cited as the largest impediment to an unqualified opinion on the Government's consolidated financial statements. For the past 4 years, the Defense Department's Inspector General has been unable to render an opinion on the department's financial statements. For fiscal year 2001, the Inspector General issued another disclaimer on the department's financial statements. The Under Secretary of Defense (Comptroller) has acknowledged that the department's financial management and feeder systems do not provide adequate evidence to support various material amounts on the financial statements. Section 1008 of the National Defense Authorization Act for fiscal year 2002 directs the department's Inspector General to perform only the minimum audit procedures required by auditing standards for year-end financial statements that management acknowledges to be unreliable. The act also directs the Inspector General to redirect any audit resources freed up by that limitation to perform more useful audits, especially in the financial systems improvement area. For fiscal year 2001, the department's Inspector General limited its internal control reviews to following up on the status of corrective actions relating to material weaknesses that had been reported in prior audits. In addition, auditors performed limited tests of the department's compliance with laws and regulations. They did not test for compliance with the Federal Financial Management Improvement Act, but rather relied on management's acknowledgment that many critical financial management systems do not comply with the act. The GAO stated that the Department of Defense faces financial management problems that are complex, long-standing and deeply rooted in virtually all business operations of the department. In September 2001, Secretary of Defense Donald Rumsfeld announced a departmentwide initiative intended to transform the full range of the department's business processes, including decades-old financial systems that are not integrated. In addition to its long-standing financial management systems problems, the Department of Defense cannot account for the billions of tax dollars it spends on

its purchase and travel card programs. The subcommittee learned that ineffective controls and lack of oversight have resulted in fraudulent and serious abuse in the travel and purchase credit card programs.

32. *“How Effectively Are Federal, State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack?” Tempe, AZ, March 22, 2002*

a. Summary.—This was the second in a series of 11 field hearings examining national preparedness for a biological, chemical or nuclear terrorist attack. State witnesses from the Arizona Division of Emergency Management and the Arizona Department of Health Services joined local utility companies, and fire and police departments from the cities of Phoenix and Tempe. The GAO testified that it supports the creation of a Department of Homeland Security, stating that it is an important first step in establishing a national preparedness strategy. Other Federal witnesses stressed the importance of good intergovernmental communication and emergency management. State and local witnesses stated that they believed that a nuclear incident was a greater threat in Arizona than a chemical or biological incident. Thus, local agencies in Phoenix, Glendale and Mesa have been selected for training to respond to weapons of mass destruction. Overall, the importance of robust Federal funding of State and local initiatives remained a central request.

33. *“How Effectively Are Federal, State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack?” Albuquerque, NM, March 25, 2002*

a. Summary.—This hearing was the third hearing examining Federal, State and local preparations for a potential terrorist attack. Witnesses included representatives from the Los Alamos and Sandia National Laboratories, the New Mexico National Guard, and various public health and safety organizations. The subcommittee learned that New Mexico is a particularly attractive target because it houses the laboratories mentioned above, the White Sands Missile Range, four Air Force bases and the San Juan Basin Natural Gas and Production Hub. These institutions have been tasked with terrorism detection and prevention, and have uncovered vulnerabilities in the Nation’s water supplies, airports, subways and other public facilities. Yet, because responding to an attack is more probable than prevention, some worried that “turf wars” might arise between Federal, State and local responders, thereby increasing the public’s vulnerability. All agreed, however, that training, information and funding are crucial for State and local first responders and for New Mexico’s extensive laboratory facilities.

34. *“How Effectively Are Federal, State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack?” Los Angeles, CA, March 28, 2002*

a. Summary.—This field hearing was the fourth in a series of hearings to assess the level of Federal, State and local preparations for a potential terrorist attack. Witnesses from the Long Beach Fire

Department, Los Angeles Police Department, Port of Los Angeles and various State emergency and public health offices accompanied Federal witnesses from the Centers for Disease Control and Prevention, the Federal Bureau of Investigation, the Federal Emergency Management Agency and the GAO. Los Angeles has a number of vulnerable public targets that include international sporting events, high-profile entertainment events and the largest port complex in the Nation. In general, earthquake-prone California has a well-organized emergency response effort. Following the 1989 Loma Prieta earthquake, the State developed the Standardized Emergency Management System, which is a model for coordinating all levels of government in a disaster response. Overall, witnesses emphasized the importance of the Federal Government's role as coordinator of information and resources for local first responders. Similar to other field hearings, police, medical personnel and local emergency responders discussed the critical need during an emergency response for communications systems that are interoperable.

35. *"How Effectively Are Federal, State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack?" San Francisco, CA, April 2, 2002*

a. Summary.—As in previous field hearings, this hearing examined the extent to which the Federal Government is assisting State and local officials in preparing for a nuclear, biological or chemical attack. Witnesses represented the San Francisco Fire Department, Police Department and the Mayor's Office, along with witnesses from the Governor's Office, Department of Health Services and the Lawrence Livermore National Laboratory. Witnesses confirmed that hospitals are inadequately prepared to handle the massive influx of patients that could result from a major attack, and discussed ways to increase hospital capacity. In addition, witnesses discussed technological improvements and funding for first responders. The witness from Lawrence Livermore said that more advanced research in detection and neutralization of biological threats is needed. Witnesses said that the Federal Government needs to do a better job of coordinating information and resources in order to make the research more useful to first responders.

36. *"The Federal Government's Consolidated Financial Statements: Are They Reliable?" April 9, 2002*

a. Summary.—This hearing was the third in a series of oversight hearings to examine financial management practices at Federal departments and agencies. At this hearing, the subcommittee focused on the results of the Federal Government's fiscal year 2001 consolidated financial statements and related problems that affect the reliability of the governmentwide financial statements. The subcommittee also released its fiscal year 2001 financial management report card, grading Federal agencies on their efforts to improve their financial management practices. Overall, the Federal Government earned a "D" for fiscal year 2001. The Comptroller General of the United States, David M. Walker, testified that the Government's consolidated financial statements for fiscal year 2001 demonstrate the need to accelerate Federal financial management reforms.

37. *“Oversight of the Internal Revenue Service: The Commissioner’s Final Report,” April 15, 2002*

a. Summary.—This hearing focused on the progress being made by the Internal Revenue Service [IRS] in addressing its long-standing management and performance problems. This hearing highlighted the need for continued involvement and commitment by the IRS’s senior management to ensure that the service successfully addresses its serious financial management problems. The IRS is responsible for collecting taxes, processing tax returns, pursuing collection of amounts owed and enforcing tax laws. In fiscal years 2000 and 2001, the IRS collected more than \$2 trillion in tax payments, processed over 210 million tax returns, and paid out about \$251 billion and \$194 billion, respectively, in refunds to taxpayers. For the second consecutive year, the IRS received a “clean” opinion on its fiscal year 2001 financial statements. However, as in previous years, because of its serious systems and control weaknesses, the IRS relied extensively on costly, time-consuming processes; statistical projections; external contractors; substantial adjustments; and monumental human efforts to derive its financial statements. The GAO noted that the IRS has corrected or mitigated many of the computer security weaknesses cited in previous reports, and is implementing a computer security program that should, when fully implemented, help manage its risks in this area.

38. *“Women in Management: Are They Breaking the Glass Ceiling?” April 22, 2002, New York City, NY*

a. Summary.—This field hearing examined the results of a GAO study on salary differentials between men and women in full-time management positions. In addition, the GAO study examined key characteristics of women and men in management positions, and the representation of women managers in particular industries. The GAO study complemented the release of the annual Business Leadership Index, which compares women’s progress versus their male counterparts by using 10 benchmarks, such as the number of woman-owned businesses versus men-owned businesses. Witnesses testified that pay inequities persist despite efforts to level the playing field between men and women in management positions. Witnesses said that additional steps are needed to assist women who must balance full-time employment with the responsibilities of parenting, to encourage men to take more responsibility for child care and home responsibilities, and to enable women to progress at work as far as their talents will take them. Witnesses said that these key factors would result in more equitable pay for women.

39. *“H.R. 4187, The Presidential Records Act Amendments of 2002,” April 24, 2002*

a. Summary.—This was the second subcommittee hearing held to discuss Executive Order 13233, which established a process for former and incumbent Presidents to review records proposed for release under the Presidential Records Act to determine whether to assert claims of executive privilege. At this hearing, the subcommittee examined H.R. 4187, a bill that would rescind Executive Order 13233 issued on November 1, 2001. H.R. 4187, introduced by Chairman Horn, would replace the Executive order with a statu-

tory process for reviewing records by former and incumbent Presidents. At the hearing, witnesses discussed the important differences between the Executive order and the bill. Witnesses included several Constitutional law scholars who provided their opinions on Congress's authority to override an Executive order. Several witnesses expressed the view that H.R. 4187 was well within Congress's authority and was necessary to prevent Executive Order 13233 from undermining the Presidential Records Act.

40. *"Kids in Cafeterias: How Safe are Federal School Lunches?"*
April 30, 2002

a. *Summary.*—This hearing held jointly with the Senate Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, examined the adequacy and efficacy of Federal oversight of the Federal school lunch program. Witnesses discussed managerial and organizational deficiencies at the Federal level and how they are affecting the health of school children. The Food and Nutrition Service of the Department of Agriculture [USDA] manages the program to provide nutritionally balanced, low-cost or free lunches to over 1 million children consuming more than 33 million meals each school day. The USDA donates about 17 percent of the food served in the National School Lunch Program; local school officials procure the remaining 83 percent. The only guidance provided to local schools on procuring safe foods is found in two USDA manuals. There is no Federal agency specifically responsible for monitoring the safety of school meals. In addition, no agency has the authority to recall unsafe foods when they are detected; manufacturers recall unsafe food voluntarily. Finally, witnesses said that Federal agencies fail to communicate the information they compile on food suppliers to other Federal agencies and school districts. Witnesses identified several key controls that are necessary to manage the Federal school lunch program at the local and State levels of government. The controls include inspection surveillance and risk assessment, outbreak response, commodity holds and recalls, and training and technical assistance to educate food service professionals.

41. *"H.R. 3844, The Federal Information Security Management Act of 2002,"* May 2, 2002

a. *Summary.*—H.R. 3844, the "Federal Information Security Management Act of 2002," introduced by Representative Tom Davis, R-VA, extends the essential provisions of the Government Information Security Reform Act of 2000 (Security Act), which expired on November 29, 2002. H.R. 3844 permanently authorizes and strengthens the Federal Government's information security program evaluation and reporting requirements. The legislation also requires the development, promulgation and agency compliance with minimum mandatory management controls for securing information and information systems. In addition, the bill requires annual agency reporting to the OMB, Congress and the Comptroller General; establishes a Federal Information Security Incident Center; clarifies definitions; and establishes evaluation responsibilities for national security systems. Witnesses from the GAO, the OMB, agency Chief Information Officers and Inspectors General

emphasized the need to continue the security management and reporting requirements established in the Security Act. Although the Security Act has contributed to a substantially improved security posture, Federal information systems are far from secure. The GAO testified that continued authorization of Federal information security legislation is essential if agency computer security efforts are to be sustained.

42. *“Oversight of the Management Practices of the Office of Workers’ Compensation: Are the Complaints Justified?” May 9, 2002*

a. Summary.—The subcommittee held an oversight hearing on management practices and customer service issues at the Office of Workers’ Compensation Programs [OWCP]. Injured Federal workers told the subcommittee that they continue to experience poor customer service and lengthy delays in the appeals process. This hearing focused on a GAO report examining OWCP’s procedures for appealing denied claims, the length of time an appeal takes to complete, the extent to which the OWCP adheres to the Federal Employees Compensation Act, the qualifications of physicians employed by the program and customer satisfaction with the program. The GAO recommended a selection of management reforms and practices to improve the appeals process and customer satisfaction. These improvements include moving the appeals process from a paper-based system to an all-electronic operation, timely decisions on cases and payment of benefits, and surveying customers to measure satisfaction and identify potential claimant fraud.

43. *“The Federal Financial Management Improvement Act of 1996: Are Agencies Meeting the Challenge?” June 6, 2002*

a. Summary.—Most Federal agencies cannot produce the financial information they need to manage their day-to-day operations efficiently and effectively. In enacting the Chief Financial Officers [CFO] Act in 1990 and the Federal Financial Management Improvement Act of 1996 [FFMIA], Congress sought to improve this longstanding problem. This hearing examined the status of the 24 CFO Act agencies in implementing the FFMIA. The hearing focused on the challenges confronting the 24 major Federal departments and agencies in their efforts to comply with the requirements of the act. The GAO noted that many agencies cannot comply with the FFMIA because of the longstanding poor condition of their financial management systems. Most systems are antiquated and do not meet current system requirements. As a result, these “legacy” systems cannot provide reliable financial information for key governmentwide initiatives, such as integrating budget and performance information.

The GAO noted the following six primary reasons why agencies are not complying with FFMIA: (1) nonintegrated financial management systems; (2) inadequate reconciliation procedures; (3) untimely recording of financial information; (4) noncompliance with the Federal Government Standard General Ledger; (5) lack of adherence to Federal accounting standards; and (6) weak security over information systems. Even though more agencies are receiving unqualified or “clean” audit opinions, their ongoing noncompliance with FFMIA’s requirements prevent them from meeting the intent

of the financial management reform legislation—to report reliable, useful and timely financial information. According to the GAO, these “clean” audit opinions are attained only by agencies expending significant resources on extensive ad hoc procedures.

44. *“Medicaid Claims: Who’s Watching the Money?” June 13, 2002*

a. Summary.—Medicaid is the third largest social program in the Federal budget and one of the largest components of State budgets. The Centers for Medicare and Medicaid Services, a component of the Department of Health and Human Services, administers the Medicaid program. Although it is a Federal program, Medicaid consists of 56 distinct programs, including one for each State, U.S. territory, Puerto Rico and the District of Columbia. Medicaid provides health care for 40 million low-income residents. In fiscal year 2001, the program was projected to cost the Federal Government about \$124 billion and State governments about \$95 billion in program and administrative expenses. This hearing focused on the oversight of Medicaid expenditures by Federal and State governments and the actions being taken to ensure the propriety of the Medicaid claims. The GAO testified that the Centers for Medicare and Medicaid have financial oversight weaknesses that leave the Medicaid program vulnerable to improper payments. Last year, the OMB reported that an estimated \$12.1 billion in erroneous payments were made in the Medicare fee-for-service program. Currently, there is no mechanism to estimate the amount of erroneous or improper payments that may have been made in the Medicaid program. The Principal Deputy Inspector General noted that the Centers for Medicare and Medicaid is in the early stages of putting together a demonstration project in nine States to identify Medicaid improper payments.

45. *“H.R. 1081, The Accountability for Presidential Gifts Act,” June 18, 2002*

a. Summary.—At this hearing, the subcommittee examined H.R. 1081, a bill designed to improve accountability for Presidential gifts. Currently, six different Federal agencies play a role in administering Presidential gifts under a variety of statutes. H.R. 1081 would simplify this process by requiring the National Archives and Records Administration to maintain a central inventory of Presidential gifts (other than gifts from foreign governments). The inventory would include certain information about each gift, such as the donor, the estimated value and whether the gift was intended to be a personal gift to the President or a gift to the United States. All information contained in the inventory would be subject to public release. Witnesses at the hearing discussed the problems with the current system and provided their opinions on what reforms might be needed.

46. *“The Single Audit Act: Is it Working?” June 26, 2002*

a. Summary.—The Single Audit Act, as amended, requires State and local governments, and nonprofit organizations that annually expend \$300,000 or more in Federal awards to have annual audits conducted in accordance with OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations.” Accord-

ing to the OMB, in fiscal year 2001, the Federal Government awarded about \$325 billion to State and local governments, and nonprofit organizations. This hearing focused on how Federal agencies are using the results of the single audits and the actions they are taking to ensure that the deficiencies identified in the audits are corrected. The GAO noted three issues that merit additional attention. These issues involve questions about whether (1) all of the audits are being performed, (2) the recipients perform proper monitoring of sub-recipients, and (3) the single audits are, in fact, quality audits. Specifically, the GAO noted that Federal agencies are relying on an honor system for determining which recipients are to conduct the single audits. Based on the results of a GAO survey, no one knows the scope of this problem or the quality of single audits. The OMB witness said that the OMB plans to increase the single audit threshold from \$300,000 to \$500,000, noting that this increase reduces the burden on small non-Federal entities and concentrates scrutiny where the Federal risk is the greatest.

47. *“How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?” Milwaukee, WI, July 1, 2002*

a. *Summary.*—This field hearing was the sixth in a series examining the Federal Government’s role in assisting local and State officials as they prepare for the possibility of a nuclear, biological or chemical attack. Federal witnesses included the U.S. Coast Guard, the GAO, the Federal Emergency Management Agency [FEMA] and the FBI. State and local witnesses included Milwaukee’s mayor, fire chief and police chief, and representatives from public health and emergency management agencies. Witnesses discussed the vulnerability of waterways to terrorist attacks, the importance of updating public health systems and increasing hospital capacity. Responding to contaminated water supplies would likely be the job of the Milwaukee Department of Public Works and the Health Department, both of which work closely with the Centers for Disease Control and Prevention [CDC]. Several witnesses recommended that the CDC should not be included in the new Department of Homeland Security. They were concerned that if the CDC were included in the new department, it would no longer focus on other health-related functions that are important to State and local agencies. Witnesses stressed the importance of Federal funding and training for State and local emergency management personnel.

48. *“How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?” Chicago, IL, July 2, 2002*

a. *Summary.*—As in previous hearings, the subcommittee examined the Federal Government’s role in assisting State and local emergency responders prepare for a nuclear, biological or chemical attack. Witnesses representing Federal, State and local law enforcement agencies, public health and safety, the medical community and the Nuclear Energy Information Service testified at this hearing. Because of Illinois’ high dependence on nuclear energy, the need to protect nuclear power plants was said to be especially important in that region. One witness suggested that reactors

should be designed or upgraded by the Nuclear Regulatory Commission to survive the “real-world” threats of terrorism, including the impact of an airplane. Witnesses also discussed the need to coordinate efforts toward containing biological incidents.

49. *“How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?” Omaha, NE, July 3, 2002*

a. Summary.—Federal witnesses at this hearing included the GAO, the FBI, Omaha Division, and the FEMA. State and local witnesses included Nebraska Lieutenant Governor David Heineman, local utility companies, health departments and the Omaha Police and Fire Departments. Local witnesses said that, because of short shelf life for equipment and constrained State budgets, the Federal Government could assist local first responders by funding new equipment and training. Doctors from the University of Nebraska Medical Center also discussed the need to expand and update national research laboratories to aid in the prevention of biological and chemical attacks. Lieutenant Governor Heineman said that, although the State has had a terrorist task force since 1999, the events of September 11, 2001, further strengthened the State’s preparation efforts.

50. *“Government Purchase and Travel Card Programs at the Department of the Army,” July 17, 2002*

a. Summary.—The subcommittee held a two-part hearing to review management oversight of the purchase and travel card programs at the Department of the Army. Although the purchase and travel card programs are distinctly different programs, abuse of the programs has resulted from a common failure at the Department of Defense: the lack of oversight and adequate internal controls. Poor internal controls led to significant waste, fraud and abuse in each program. As of March 31, 2002, more than 11,000 Army travel cardholders had accumulated \$8.4 million in delinquent debt. Witnesses shared a recent report released by the Department of Defense Charge Card Task Force that advocates sustained management and a changed organizational culture. As well, the report stated that clear policies and procedures are essential to any effort to reduce credit card misuse. Although the Department of the Army and the Department of Defense have taken steps to reduce misuse in these programs, further preventive measures will be critical to their long-term success, including cardholder training prior to card issuance and restriction of cards to individuals with poor credit.

51. *“Cyber-terrorism: Is the Nation’s Critical Infrastructure Adequately Protected,” July 24, 2002*

a. Summary.—This hearing focused on the vulnerability of the Nation’s critical infrastructure to cyber attacks and the role of Information Sharing and Analysis Centers in protecting the infrastructure. More than 90 percent of the Nation’s critical infrastructure is owned and operated by the private sector. The private sector is addressing vulnerabilities in the Nation’s critical infrastructure through Information Sharing and Analysis Centers. These cen-

ters have been formed to meet specific sector security needs. Witnesses at this hearing discussed the increased number of cyber attacks that have occurred, and the challenges that the private sector faces in identifying and eradicating vulnerabilities in their systems. Witnesses told the subcommittee that the Information Sharing and Analysis Centers' progress in developing strategies to protect their resources and develop contingency plans has been uneven.

52. *"How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?" Abilene, KS, August 20, 2002*

a. Summary.—Witnesses at this hearing, the ninth in a series of field hearings to examine Federal, State and local preparations for biological, chemical or nuclear attacks, included the Kansas National Guard, FEMA, the Kansas Bureau of Investigation and the GAO as well as State and local emergency management offices and first responders. Local and State witnesses testified that one of the key challenges in coordinating emergency response efforts involves establishing a leadership structure that clearly delineates roles and responsibilities of each agency. In addition, performance metrics must be developed and the appropriate tools to achieve these goals need to be deployed in order to build an efficient and effective emergency response system. Witnesses also stressed the importance of including accountability and performance measures in an overall national strategy.

53. *"How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?" Iowa City, IA, August 22, 2002*

a. Summary.—This hearing was the 10th in the subcommittee's series of hearings examining Federal, State and local efforts to prepare for biological, chemical or nuclear attacks. Witnesses from the University of Iowa, the GAO, the FEMA, and other local and State officials identified their roles and key elements of a successful well-coordinated emergency response effort. Local officials catalogued over 1,000 critical public and private assets that are susceptible to attack, and have worked on measures to protect them. This analysis was incorporated in a State Emergency Plan used for training sessions for civic organizations, local government officials and citizens. Witnesses stated that the agricultural industry is among the State's key assets. A biological attack involving this industry would affect large populations across the Nation and have a devastating effect on Iowa's economy, they said.

54. *"How Effectively is the Federal Government Assisting State and Local Governments in Preparing for a Biological, Chemical or Nuclear Attack?" Golden, CO, August 23, 2002*

a. Summary.—This was the final field hearing on Federal, State and local efforts to prepare for a biological, chemical or nuclear attack. Witnesses from the FBI, the National Guard and local hospitals testified on the importance of cross-agency partnerships to identify and respond to disasters. In addition, they noted the importance of having well-defined roles at each level of government and developing performance goals and measures so that resources

are properly deployed, and goals are achieved and sustained. Witnesses stated that current funding levels have improved since September 11th, but resources will be quickly outpaced by needs, should a major disaster occur. Local witnesses said that Federal support for their domestic preparedness efforts has been relatively small and disorganized, noting that various departments and agencies provide money in a “tangled web” of grant programs. Because responsibility for homeland security is shared among Federal, State and local governments and the private sector, witnesses said that the tools of the Federal Government, such as tax incentives, regulations and grants, are essential.

55. *“Linking Program Funding to Performance Results,” September 19, 2002*

a. Summary.—The subcommittee held a joint oversight hearing with the Committee on Rules’ Subcommittee on Legislative and Budget Process to examine executive branch initiatives to link program funding to performance results. These initiatives are a central element in the President’s Management Agenda. They are being implemented through a “Program Assessment Rating Tool” [PART] that the Office of Management and Budget will use to evaluate 20 percent of Federal programs during the fiscal year 2004 budget cycle. This hearing examined how initiatives, such as PART, can achieve results-oriented, performance-based policy-making as envisioned by the Government Performance and Results Act. Witnesses at the hearing included the Director of the OMB and the Comptroller General of the United States. Both expressed the hope that implementation of performance-based budgeting would lead to long-term improvements in the allocation of Federal spending and the efficiency of Federal programs.

56. *“H.R. 2693, the Holocaust Victims Relief Act,” September 24, 2002*

a. Summary.—This bill would require insurance companies operating in the United States to disclose information about their Holocaust-era policies issued in Europe during the Nazi era. When Holocaust survivors or heirs of Holocaust victims presented claims to insurance companies after World War II, many were rejected because the claimants did not have death certificates or physical possession of policy documents that had been confiscated by the Nazis. The subcommittee learned that, in many instances, insurance company records are the only proof that these insurance policies were in effect. Under the bill, insurance companies operating in the United States would be required to supply the Department of Commerce with the names and places of birth listed on all life, dowry, education and property insurance policies that were in effect in regions under Nazi control between the rise of the Hitler regime in 1933 and the end of World War II in 1945. A witness from the Department of State raised concerns that this bill could upset international agreements between the United States and Germany, which were intended to settle all Holocaust-era claims.

57. *"Disappearing Tax Dollars: What Changes Are Needed?" October 3, 2002*

a. *Summary.*—This oversight hearing was a follow up to examinations conducted by the GAO of questionable disbursements made by the Department of Education and the Department of Housing and Urban Development. The GAO assessed the effectiveness of existing internal controls at these departments to prevent or detect improper payments. The subcommittee learned that millions of taxpayer dollars are disappearing each year due to waste, fraud and abuse in various programs managed by these departments. The purchase card programs at both departments are also susceptible to improper payments. The GAO identified payments by the Department of Housing and Urban Development to multifamily property contractors for work that was never completed. The GAO also discovered that the Department of Education's loan and grant programs continue to make payments to ineligible recipients. Finally, the GAO presented strategies that Federal agencies can use to reduce improper payments. The Chief Financial Officers from both departments appeared as witnesses to discuss the steps that they are taking to improve the approval process for payments at their departments.

58. *"The Use and Abuse of Government Credit Cards at the Department of the Navy," October 8, 2002*

a. *Summary.*—This hearing focused on the GAO's audit of the Department of the Navy's purchase and travel card programs. As of March 31, 2002, more than 8,400 Navy travel cardholders owed \$6 million in delinquent travel card debt. The overall delinquency and charge-off problems in the travel card program have cost the Navy millions of dollars in higher fees and lost rebates. The Navy has recently procured the same software used by the GAO to conduct data mining in an effort to identify potential inappropriate activity. The Navy is also taking steps to strengthen internal controls of its travel card program. The Navy's purchase card program is one of the largest purchase card programs in the Department of Defense. GAO auditors found that weak overall internal controls caused failures that leave the Navy's purchase card program highly vulnerable to fraudulent and abusive purchases as well as the theft and misuse of Government property. Despite improvements to ensure that purchase cards are limited to those who need them, the Navy continues to have a weak control environment in which approving officials have an overly broad span of control. In both travel and purchase card programs, the Navy is reluctant to link disciplinary actions to misuse.

59. *"Federal Debt Collection: Is the Government Making Progress?" November 13, 2002*

a. *Summary.*—This was a follow up to a hearing held in December 2001, during which the subcommittee examined Federal agencies' progress in implementing the Debt Collection Improvement Act of 1996 [DCIA]. A report by the GAO found that recent actions taken by the Department of Agriculture [USDA] in coordination with the Treasury Department have significantly improved debt-collection efforts and lowered the amount of delinquent debt. The

USDA, the Government's largest provider of direct credit, accounts for 35 percent of the \$297 billion in non-tax debt owed the Federal Government. A substantial increase in the number of delinquent debt referrals from the USDA and other agencies have produced outstanding results—currently 93 percent of debt identified as eligible has been referred to the Treasury Department compared to only 43 percent in fiscal year 1999. Administrative wage garnishment shows particular promise as a collection tool and will complement benefit payment offsets and other tools already used to further lower the amount of delinquent debt. Witnesses identified sustained leadership as the key ingredient toward continued improvement in debt collection activities.

60. *“Computer Security in the Federal Government: How Do the Agencies Rate?” November 19, 2002*

a. Summary.—During this hearing, the subcommittee released its third annual report card measuring the Federal Government's progress in securing its computer systems. The grades were based on agency reports to the OMB, which included the results of agency program reviews by their Chief Information Officers and independent evaluations by their Inspectors General, as required by the Security Act. Because the OMB required agencies to respond to specific performance measures this year, the subcommittee had more detailed information than in previous years on the agencies' success in developing and implementing agencywide computer security programs. The subcommittee determined that the Federal Government earned a failing grade of “F” for its computer security efforts. Fourteen of the 24 agencies evaluated, including critical agencies, such as the Departments of Justice, State, Transportation, Energy and Defense, failed in their computer security efforts. Seven agencies received a barely passing grade of “D.” These included the Department of Commerce, the National Aeronautics and Space Administration, the Environmental Protection Agency, and the Department of Health and Human Services. The Nuclear Regulatory Commission and the Department of Labor both scored “C's.” The Social Security Administration earned the highest grade—a “B-minus.” Witnesses from the OMB, the GAO, the Social Security Administration, the Department of Transportation, and the CERT® Coordination Center emphasized the importance of these annual evaluations and reports in holding agencies accountable for implementing effective security. They noted that these mechanisms enable Congress and the administration to monitor agency performance and to take whatever oversight action is deemed advisable to remedy identified problems.

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND
INTERNATIONAL RELATIONS

Hon. Christopher Shays, *Chairman*

1. *“Defense Security Service: Mission Degradation?” March 2, 2001*

a. Summary.—This was the third hearing the subcommittee convened on DSS operational problems. The DOD's Defense Security Service [DSS] administers the Personnel Security Investigations

[PSI] program for conducting security clearance background investigations. The purpose of March 2, 2001 hearing was to examine the status of Defense Security Service [DSS] efforts to eliminate the personnel security investigations backlog.

The subcommittee wanted to determine what progress the Defense Security Service [DSS] made in reducing the personnel security investigations backlog, and how DOD determined DSS processing delays and system changes have not compromised national security. Witnesses included Mr. Robert J. Lieberman, Deputy Inspector General, Office of Inspector General, Department of Defense; Mr. Arthur L. Money, Assistant Secretary of Defense for Security and Information Operations, Command, Control, Communications and Intelligence, Department of Defense; and, General Charles Cunningham, Director, Defense Security Service.

In 2000, at the subcommittee's request, the General Accounting Office [GAO] completed a review of the DSS personnel security investigation backlog entitled, "DOD Personnel: More Actions Needed to Address Backlog of Security Clearance Reinvestigations," (GAO/NSIAD-00-215, August 2000).

In order to reduce the investigations backlog and reduce the time it takes to close personnel security investigation cases, DOD has transferred some of the caseload to the Office of Personnel and Management [OPM] and is considering changing some investigation standards. However, DSS continues to have operation problems with the Case Control Management System [CCMS], which hampers the agency's ability to track security clearance requests, provide feedback to requestors on case status, and reduce the personnel security investigation backlog.

2. *"F-22 Cost Controls: How Realistic are Production Cost Reduction Plan Estimates?" August 2, 2001*

a. *Summary.*—This was the second hearing the subcommittee has convened regarding F-22 cost controls. The purpose of the hearing was a continuation of the subcommittee's examination of Production Cost Reduction Plans [PCRP] for the F-22 program to determine the implementation status of best business practices, outsourcing and improvements in manufacturing and procurement processes. Witnesses included Mr. Allen Li, Director; Mr. Robert Murphy, Assistant Director; and Mr. Donald Springman, Senior Analyst, Acquisition and Sourcing Management, U.S. General Accounting Office; Mrs. Darleen A. Druyun, Principal Deputy Assistant Secretary of the Air Force-Acquisition and Management; Dr. George Schneider, Director of Strategic and Tactical Systems, Department of the Air Force; and Mr. Francis P. Summers, Regional Director, Defense Contract Audit Agency. The subcommittee has been conducting a review of production cost reduction plans [PCRP] for the F-22 program to determine the extent of realized cost savings, the potential for additional savings and the value of improvements in manufacturing and procurement processes.

As part of the examination, the subcommittee requested that the General Accounting Office [GAO] review the status of production cost reduction plans. GAO reported a very sizeable difference between the Air Force Program Office and the OSD-Cost Analysis Improvement Group [CAIG] projections of total F-22 production costs.

Comparison of the two estimates, adjusted for a 339 aircraft buy, indicated a difference of \$7 billion as of December 2000. (GAO-01-782) The \$7 billion variance represents fully 15 percent of the F-22 production budget, a large margin of error even in the imprecise field of weapon system cost estimation, and adds substantial risk to the F-22 program.

The Air Force and OSD remain unable to reconcile the production cost estimates to bring them within a tolerable range of variance. In an attempt to analyze the difference, GAO and the subcommittee requested access to cost estimate records prepared by the OSD-CAIG, including briefings about the estimates, the methodologies used, and supporting analyses. The request was denied by the Department.

DOD refusal to provide GAO and the subcommittee access to production cost estimation data and detailed methodologies prevent a complete analysis of the factors contributing to the estimating differences between the two production cost figures. But it is clear one major area of disagreement is valuation of PCRPs.

3. *“Vulnerabilities to Waste, Fraud and Abuse: GAO Views on National Defense and International Relations Programs,” March 7, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at high-risk operations and management challenges at the departments and agencies involved in national security, veterans’ affairs, international relations and international trade. The hearing examined the major performance and management challenges confronting the Departments of Defense, Energy, NASA, Veterans Affairs, State, and USAID, to what extent these departments and agencies are implementing management improvements and reforms, and how these departments and agencies are meeting performance and accountability measurements and goals under the Results Act.

David M. Walker, Comptroller General, U.S. General Accounting Office [GAO], testified on recent GAO findings of significant management challenges and high risks of fraud, waste and abuse in DOD, VA, Department of State and the other agencies.

4. *“Vulnerabilities to Waste, Fraud and Abuse: Inspectors General Views on National Defense, International Relations Programs,” March 15, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at high-risk operations and management challenges at the departments and agencies involved in defense, national security, and veterans’ affairs. The hearing examined the major performance and management challenges confronting the Departments of Defense, Energy, Veterans Affairs, NASA, FEMA, State, USAID, the Peace Corps, and the International Trade Commission, to what extent these departments and agencies are implementing management improvements and reforms, and how these departments and agencies are meeting performance and accountability measurements and goals under the Results Act.

Inspectors General from the Departments of Defense, Energy, Veterans Affairs, NASA, FEMA, State, USAID, the Peace Corps

and the U.S. International Trade Commission testified on vulnerabilities and management challenges. They also discussed Results Act compliance with each department and the application of Results Act principles and measures to address potential problems of waste, fraud, abuse and mismanagement.

5. *“Protecting American Interests Abroad: U.S. Citizens, Businesses and Non-governmental Organizations,” April 3, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to look at the types of security threats, particularly terrorist threats, posed to non-official American interests overseas, and to review what U.S. Government agencies are doing to address those threats. The hearing examined the nature of the threat(s) posed to American citizens, businesses, and non-governmental organizations overseas, what the U.S. Government is doing to address the threat(s), and what the U.S. Government can do to better protect American interests abroad.

Witnesses from private security associations, private organizations, the Department of State, the FBI, and USAID testified on programs to make U.S. citizens abroad aware of security threats. Information sharing and risk assessment programs were discussed, as well as the need for security training for citizens and organizations operating abroad.

6. *“Rule of Law Assistance Programs: Limited Impact, Limited Sustainability,” May 17, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to examine whether the U.S. Government has learned from past mistakes with rule-of-law assistance programs in places such as Haiti and Latin America, and to examine the impact of existing funding in the former Soviet Union, evaluating whether or not funding has been effective and sustainable. The hearing examined what has been done by USAID and the Departments of State, Justice, and Treasury to ensure rule-of-law assistance programs in the former Soviet Union are effective and sustainable and how effectively rule-of-law assistance programs have been monitored and evaluated.

GAO testified on the results of work done at the subcommittee’s request regarding the results of aid programs intended to foster the rule of law and civil society. State Department, USAID and Treasury Department witnesses also testified on the planning and evaluation process used to determine whether rule of law programs are achieving anticipated results.

7. *“Federal Interagency Data-Sharing and National Security,” July 24, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to look at the Justice Department’s Anti-Drug Network/Nigerian Crime Initiative [ADNET/NCI] as one example of interagency data-sharing to learn the most significant obstacles to information sharing among Federal agencies and to review the impact of data-sharing on national security. The hearing examined the status of the Anti-Drug Network/Nigerian Crime Initiative [ADNET/NCI] pilot project, the most significant obstacles to interagency data-sharing,

and how greater interagency data-sharing could enhance national security.

The Departments of Defense, State, Justice and Treasury testified on the status of the ADNET/NCI and the implications of that effort for broader data sharing to enhance border security and counter terrorism efforts.

8. *“Combating Terrorism: Management of Medical Stockpiles,” May 1, 2001*

a. Summary.—The subcommittee held a hearing to assess the status of corrective actions taken by the Centers for Disease Control and Prevention [CDC], the Office of Emergency Preparedness [OEP], the Department of Veterans Affairs [VA], and the U.S. Marine Corps Chemical Biological Incident Response Force [CBIRF] to address the internal control weaknesses and General Accounting Office [GAO] recommendations regarding medical stockpile management. The hearing examined how the agencies addressed GAO recommendations and whether the stockpiles are managed effectively.

GAO testified on followup work done for the subcommittee on management controls over Federal medical and pharmaceutical stockpiles held for use in the event of a terrorist incident. Witnesses from VA, HHS, CDC and the Marine Corps testified on their plans to expand and improve the composition and inventory management of stockpile programs.

9. *“Hepatitis C: Screening in the VA Health Care System,” June 14, 2001*

a. Summary.—The subcommittee held a hearing to assess the Department of Veterans Affairs’ efforts to screen and test veterans for the Hepatitis C Virus [HCV]. The hearing examined why screening and testing for HCV has been limited and inconsistent, and why VA personnel weren’t made aware of the funding available for screening and testing veterans for HCV.

GAO and VA witnesses discussed the limited results to date of the VA’s initiative to screen and test veterans for Hepatitis C infection. While new data provided at the hearing suggests 49 percent of veterans using VA health care facilities since 1999 have been screened, versus only 20 percent by another indicator, GAO found that up to 90 percent could have been screened. Weaknesses and inconsistencies in the VA program were discussed.

10. *“Biological Warfare Defense Vaccine Research and Development Programs,” October 23, 2001*

a. Summary.—The subcommittee held a hearing to assess the role vaccines play in civilian preparedness. The hearing examined the near and long term roles of vaccines in preparedness against biological warfare and terrorism, and how adaptable the current regulatory process is to the development and approval of bio-warfare defense vaccines.

HHS Secretary Tommy Thompson, GAO, DOD, and private vaccine makers testified on the scientific and logistical barriers to vaccine research and production and the departures from current reg-

ulatory standards required to assess vaccine efficacy against rare pathogens.

11. *“Chemical and Biological Defense: Department of Defense Medical Readiness,” November 7, 2001*

a. Summary.—The subcommittee held a hearing to assess the Department of Defense’s capacity to provide medical support to military personnel in the event of a chemical or biological attack. The hearing examined the extent to which the Department of Defense and the services adapted their medical specialty mix to chemical and biological warfare threats, and the extent of medical personnel training in the treatment of chemical and biological [CB] casualties.

The General Accounting Office testified on the results of a GAO report entitled, “Chemical and Biological Defense: DOD Needs to Clarify Expectations for Medical Readiness.” GAO found DOD and the services had not fully addressed weaknesses and gaps in modeling, planning, training, tracking, or proficiency testing for the treatment of CB casualties. Dr. William Winkenwerder, Assistant Secretary of Defense for Health Affairs testified on behalf of the Department of Defense, and was accompanied by the Surgeons General of the Air Force, Army, and Navy.

12. *“Risk Communication: National Security and Public Health,” November 26, 2001*

a. Summary.—The subcommittee held an oversight hearing to look at the application of risk communication strategies to Federal efforts to disseminate information on bioterrorism threats. The hearing examined how effectively the Federal Government disseminated information to the public on bioterrorism threats, and how physicians and public health experts have been involved in the formulation and implementation of Federal communication strategies.

Dr. David Satcher, U.S. Surgeon General testified on the Department of Health and Human Services [HHS] efforts toward information dissemination and risk communication on bioterrorism threats. Dr. C. Everett Koop, former U.S. Surgeon General; Dr. Kenneth I. Shine, president of the Institute of Medicine; Dr. Mohammed Akhter, executive director, for the American Public Health Association; and Dr. Joseph Waeckerle, speaking on behalf of the American College of Emergency Physicians; testified on the government’s lack of effective risk communication on bioterrorism threats.

13. *“Military Aircraft: Cannibalizations Adversely Affect Personnel and Maintenance,” May 22, 2001*

a. Summary.—The subcommittee held an oversight hearing to discuss the impact of the U.S. military’s practice of cannibalization of aircraft parts on readiness, costs and personnel. The hearing examined the extent to which the Air Force, Navy/Marines, and Army rely on cannibalization of aircraft parts to maintain readiness, and to what extent the military has identified the effects of cannibalization on costs, personnel, operating tempo, and morale. The conclusions were that cannibalizations have several adverse impacts. They increase maintenance costs by increasing workloads, may affect morale and the retention of personnel, and sometimes result

in the unavailability of expensive aircraft for long periods of time. Cannibalizations can also create unnecessary mechanical problems for maintenance personnel. Moreover, the service branches consider cannibalizations a normal practice, contrary to Pentagon policy, as long as shortages and delayed delivery schedules exist of new aircraft parts.

Witnesses were from the General Accounting Office, and the top logistics officers of the U.S. Air Force, U.S. Army, and U.S. Navy.

14. *“Sustaining Critical Military Training Facilities: Avon Park Air Force Range,” August 4, 2001*

a. *Summary.*—The subcommittee held an oversight hearing to look at military training range management issues. The hearing examined the extent to which the Avon Park Air Force Range has confronted encroachment issues such as compatibility of range usage with current and planned local development, airspace access, natural resource conservation, and environmental compliance.

Department of Defense military and civilian personnel, the Federal Aviation Administration, and local officials testified about the management challenges facing the Avon Park Air Force Range and the surrounding communities.

15. *“Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?” November 13, 2001*

a. *Summary.*—The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and the Subcommittee on National Security, Veterans Affairs and International Relations held a joint oversight hearing to look at how effectively Federal and local law enforcement agencies are sharing information. The hearing examined what actions Federal law enforcement agencies have taken to improve information sharing with local enforcement agencies, what further actions are needed, whether Federal agencies are fully utilizing the resources of local law enforcement agencies, whether shared information has led to increased surveillance, arrests, and convictions of criminals, and whether data-sharing programs have proved cost effective.

The Department of Justice, Federal Bureau of Investigation, Immigration and Naturalization Service, Drug Enforcement Agency, and representatives from several cities testified about the effectiveness of data sharing in combating crime and protecting national interests.

16. *“Combating Terrorism: In Search of a National Strategy,” March 27, 2001*

a. *Summary.*—The purpose of the hearing was to examine why the Federal effort to combat terrorism remains fragmented and unfocused. The hearing focused on two questions—What is the current national strategy to combat terrorism, and who in the U.S. Government is in charge of coordinating all Federal agency efforts to counter terrorism?

Representatives from the RAND Corp., U.S. Commission on National Security/21st Century, Advisory Panel to Assess the Domestic Response Capabilities for Terrorism Involving Weapons of Mass

Destruction, and Center for Strategic and International Studies testified.

17. *“Combating Terrorism: Options to Improve the Federal Response,” April 24, 2001*

a. Summary.—The hearing was held in conjunction with the Committee on Transportation’s Subcommittee on Economic Development, Public Buildings and Emergency Management. The purpose of the hearing was to examine three legislative proposals, H.R. 525, Preparedness Against Domestic Terrorism Act of 2001, H.R. 1158, National Homeland Security Agency Act, and H.R. 1292, Homeland Security Strategy Act of 2001. Each bill proposes to reorganize the Federal counterterrorism structure. The hearing focused on two questions—What is the current organizational structure of the Federal Government to combat terrorism, and how might the legislative proposals produce a more effective and efficient organization of the Federal Government to counter terrorism?

Witnesses testifying included Representative Wayne Gilchrest (MD), Representative Mac Thornberry (TX), Representative Ike Skelton (MO), the U.S. General Accounting Office, the Congressional Research Service, the Advisory Panel to Assess the Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, the U.S. Commission on National Security/21st Century, the Center for Strategic and International Studies, and the Henry L. Stimson Center.

18. *“The Biological Weapons Convention Protocol: Status and Implications,” June 5, 2001*

a. Summary.—The purpose of the hearing was to continue the subcommittee’s review of United States participation in efforts to develop a compliance protocol for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction [BWC]. The hearing focused on the questions—How was it determined the BWC Protocol, in its present form, will improve the verifiability of the BWC, and what additional mechanisms, under discussion, could be used to strengthen and improve implementation of the BWC?

Witnesses included representatives from the Pharmaceutical Research and Manufacturers of America, Sandia National Laboratory, National War College, Henry L. Stimson Center, and Federation of American Scientists.

19. *“The Biological Weapons Convention Protocol: Status and Implications,” July 10, 2001*

a. Summary.—The purpose of the hearing was to continue the subcommittee’s review of United States participation in efforts to develop a compliance protocol for the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction [BWC]. The hearing focused the questions—How was it determined the BWC Protocol, in its present form, will improve the verifiability of the BWC, and what additional mechanisms under discussion could be used to strengthen and improve implementation of the BWC?

Witnesses included representatives from the Department of State and former officials who represented the United States at the BWC negotiations.

20. *“Combating Terrorism: Federal Response to a Biological Weapons Attack,” July 23, 2001*

a. *Summary.*—The purpose of the hearing was to examine the relationship between Federal and State governments during a biological weapons attack, and highlight the lessons learned from exercise Dark Winter. The hearing focused on the questions—How would the Federal Government react to a biological weapons attack on the United States, and what is the role of the National Guard during a biological weapons attack on the United States?

Witnesses included the Governor of Oklahoma, representatives from the Nuclear Threat Initiative, the Center for Strategic and International Studies, Kroll Associates, and the Adjutant General of Connecticut, the Adjutant General of Florida, representatives from the Centers for Disease Control and Prevention, Iowa Department of Public Health, and the Public Health Department, Seattle & King County, WA.

21. *“Combating Terrorism: Assessing the Threat of Biological Terrorism,” October 12, 2001*

a. *Summary.*—The purpose of the hearing was to examine the factors that should be considered in assessing the risks of biological terrorism. The hearing focused on two questions—To what extent are assessments needed to address the threat of biological terrorism, and how are the intentions and capabilities of State and non-state actors measured in assessing the threat of biological terrorism?

Witnesses included representatives from the U.S. General Accounting Office, the President of Advanced Bio-Systems, Inc., RAND Corp., and George Washington University.

22. *“Gulf War Veterans’ Illnesses: Health of Coalition Forces,” January 24, 2002*

a. *Summary.*—The subcommittee held a hearing to assess the status of international cooperation with regard to epidemiological and clinical research into illnesses reported by the United States, United Kingdom and French veterans of the Persian Gulf war.

The hearing examined the extent of illnesses reported by United States, U.K. and French veterans of the Persian Gulf war, and the factors that might account for differences in reported illness rates between coalition forces. The hearing also assessed the extent to which U.S. research and treatment programs on Gulf war veterans’ illnesses coordinated with U.K. and French efforts.

The subcommittee extended the parliamentary privilege of sitting on the dais with the members of the subcommittee to the Honorable Bruce George, chairman of the Defense Select Committee for the House of Commons and the Honorable Lord Alfred Morris of Manchester, member of the House of Lords.

Witnesses included the Honorable Anthony Principi, Secretary, Department of Veterans Affairs; Dr. John Feussner, Chief Research and Development Officer, Department of Veterans Affairs; Dr.

Mark Brown, Director, Environmental Agents Service; Dr. Han Kang, Director, Environmental Epidemiology Service; Dr. William Winkenwerder, Assistant Secretary of Defense for Health Affairs, Department of Defense; Dr. Nancy Kingsbury, Director, Applied Research Methods, General Accounting Office; Dr. Sushil Sharma, Assistant Director, Applied Research and Methods, General Accounting Office; Dr. Betty Ward-Zuckerman, Assistant Director, General Accounting Office; Mr. Ross Perot, chairman, Perot Systems; Dr. Goran Jamal, Imperial College School of Medicine, London University; Dr. Nicola Cherry, Department of Public Health Sciences, University of Alberta; Dr. Robert Haley, Southwestern Medical School, University of Texas; Dr. Lea Steele, Kansas Health Institute; Mr. James J. Tuite III, Chief Operation Officer, Chronix BioMedical, Inc.; and Dr. Howard Urnovitz, Scientific Director, Chronic Illness Research Foundation.

23. *“The Standard Procurement System [SPS]: Can the DOD Procurement Process be Standardized?” February 7, 2002*

a. *Summary.*—The objective of a standard procurement system is to untangle numerous legacy systems into a unified standard procurement program. The Standard Procurement System [SPS] is based on a commercial software package, designed to allow the military services and other defense agencies to perform contracting operations in a standardized way and eliminate redundant and often incompatible systems now maintained by individual agencies.

The purpose of the hearing was to examine the implementation of the Standard Procurement System. The subcommittee wanted to determine the program status in terms of schedule, program risks, contract costs and the operational benefits of a standardized procurement system.

Witnesses included Mr. Robert J. Lieberman, Deputy Inspector General, Office of Inspector General, Department of Defense; Mr. Randolph C. Hite, Director, Information Technology Systems Issues, U.S. General Accounting Office; Ms. Cynthia Jackson, Assistant Director Information Technology Systems Issues, U.S. General Accounting Office; Mr. Gary Thurston, Defense Contract Management Agency, Department of Defense; Colonel Jake Haynes, Program Manager, SPS Program Office, Defense Contract Management Agency, Department of Defense; and Dr. Margaret Myers, Deputy Assistant Secretary of Defense, Command, Control, Communications, and Intelligence (C3I), Department of Defense.

24. *“Combating Terrorism: Protecting the United States, Part I,” March 12, 2002*

a. *Summary.*—Many months before the catastrophic events of September 11th, the General Accounting Office [GAO], and several government sponsored studies such as the Report of the National Commission on Terrorism, known as the Bremer Commission, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore Commission, and the U.S. Commission on National Security/21st Century, known as the Hart/Rudman Commission, identified three measures the executive branch should implement to improve efforts to counter terrorism: compilation of a comprehensive, and

prioritized threat and risk assessment, development of a national strategy to counter terrorism, and establishment of a central office with authority to ensure agency compliance with established counterterrorism priorities.

Since September 11th, the GAO and the Heritage Foundation identified other areas requiring priority action: enhancing the compilation, analysis, and sharing of intelligence information among all levels of government; facilitating the production of new vaccines and pharmaceuticals against the toxins and agents sought by terrorists; coordinating the planning and consequence management actions among Federal, State, and local agencies; improving security at airports and seaports; and strengthening border security mechanisms.

The purpose of the hearing was to assess progress, near-term challenges, and long-term goals of certain efforts to protect the United States from terrorist attacks.

Witnesses included Governor Frank Keating, Governor of Oklahoma; the Honorable Edwin Meese III, former Attorney General, and co-chairman, Homeland Security Task Force, the Heritage Foundation; Ambassador L. Paul Bremer III, chairman, National Commission on Terrorism, Marsh Crisis Consulting; Mr. Randall J. Larsen, director, ANSER Institute for Homeland Security; Mr. Joseph Cirincione, director, Nonproliferation Project, Carnegie Endowment for International Peace; and Mr. Henry L. Hinton, Managing Director, Defense Capabilities and Management, General Accounting Office.

25. *“Combating Terrorism: Protecting the United States, Part II,”*
March 21, 2002

a. Summary.—This was the second part of a two-part hearing. Many months before the catastrophic events of September 11th, the General Accounting Office [GAO], and several government sponsored studies such as the Report of the National Commission on Terrorism, known as the Bremer Commission, the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, known as the Gilmore Commission, and the U.S. Commission on National Security/21st Century, known as the Hart/Rudman Commission, identified three measures the executive branch should implement to improve efforts to counter terrorism: compilation of a comprehensive, and prioritized threat and risk assessment, development of a national strategy to counter terrorism, and establishment of a central office with authority to ensure agency compliance with established counterterrorism priorities.

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Expert witnesses at the first hearing highlighted the challenges faced and additional steps to be taken to protect the United States from a terrorist attack. The purpose of the second hearing was to hear from government agency representatives addressing similar issues.

26. *“Combating Terrorism: Axis of Evil, Multilateral Containment or Unilateral Confrontation?” April 16, 2002*

a. Summary.—During President Bush’s January 2002 State of the Union Address he said, “States like these [North Korea, Iran, and Iraq], and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world. By seeking weapons of mass destruction, these regimes pose a grave and growing danger. They could provide these arms to terrorists, giving them the means to match their hatred. They could attack our allies or attempt to blackmail the United States. In any of these cases, the price of indifference would be catastrophic.”

Since January, questions have been raised in the United States and abroad regarding the implications of the “axis of evil” policy and the degree to which the United States will be required to act alone against terrorists and States possessing weapons of mass destruction.

Witnesses included Ambassador Jeane J. Kirkpatrick, director of foreign and defense policy studies, American Enterprise Institute; General Brent Scowcroft, president, the Forum for International Policy; the Honorable Richard Perle, resident fellow, American Enterprise Institute; and Mr. Caleb Carr, military historian/author.

27. *“Managing Radio Frequency Spectrum: Military Readiness and National Security,” April 23, 2002*

a. Summary.—The electromagnetic spectrum is a finite resource. Over the years, demand for radio frequency [RF] spectrum used for both governmental and commercial purposes has increased significantly. Advances in wireless telecommunications technology are converging with Internet technology making heavy demands on spectrum bandwidth capacity.

The hearing examined Federal radio spectrum management policies and the impact of radio frequency spectrum encroachment on military training and readiness. The subcommittee wanted to determine to what extent is radio frequency spectrum needed by the Department of Defense being taken by other Federal and commercial users.

Witnesses included Mr. Steven Price, Deputy Assistant Secretary for Spectrum and C3 Policy, Office of the Secretary of Defense; Lieutenant General Joseph Kellogg (Army), Director, Command, Control, Communications, and Computers (C4), Joint Chiefs of Staff; Vice Admiral Richard Mayo, Director, Space, Information Warfare, Command and Control, Chief of Naval Operations; Lieutenant General John Woodward, Director, Headquarters Communications and Information, U.S. Air Force; Major General Steven W. Boutelle, Director, Information Operations, Networks and Space, U.S. Army; Brigadier General Robert M. Shea, Director of Command, Control, Communications, and Computers (C4), U.S. Marine Corps; Mr. Michael Gallagher, Deputy Assistant Secretary

for Communication and Information National Telecommunications and Information Administration, Department of Commerce; Major General James D. Bryan, Deputy Director, Defense Information Systems Agency [DISA]; Mr. Julius Knapp, Deputy Chief, Office of Engineering and Technology, Federal Communications Commission.

28. *“Rightsizing the U.S. Presence Abroad,” May 1, 2002*

a. *Summary.*—The hearing examined the processes used to determine the appropriate size of the U.S. diplomatic and Federal agency presence overseas.

The President’s Management Agenda notes, “the U.S. overseas presence is costly, increasingly complex, and of growing security concern. U.S. national security interests are best served by deploying the right number of people at the right posts with the right expertise.” The process of determining the number and type of personnel and facilities necessary to achieve U.S. goals is called “rightsizing.”

The hearing questioned how U.S. departments and agencies determine overseas staffing levels to ensure mission effectiveness and physical security requirements affect facility design and staffing levels abroad. The hearing also supported the administration’s efforts to promote rightsizing as critical to good governance of the U.S. overseas presence.

Witnesses included the Honorable Grant S. Green, Jr., Under Secretary for Management, U.S. Department of State; the Honorable Nancy P. Dorn, Deputy Director, Office of Management and Budget; Mr. Jess T. Ford, Director, International Affairs and Trade Division, U.S. General Accounting Office; Mr. Lewis B. Kaden, former chairman, Overseas Presence Advisory Panel; the Honorable Ken Lawson, Assistant Secretary for Enforcement, Department of the Treasury; the Honorable Andrew Hoehn, Deputy Assistant Secretary of Defense for Strategy, Department of Defense; and the Honorable Robert Diegelman, Acting Assistant Attorney General for Administration, Justice Management Division, Department of Justice. The Honorable Felix G. Rohatyn, former U.S. Ambassador to France, submitted testimony for the record.

29. *“VA Health Care: Structural Problems, Superficial Solutions?” May 14, 2002*

a. *Summary.*—The hearing examined how the Veterans Equitable Resource Allocation [VERA] system accounts for regional differences in providing consistent care to veterans.

The hearing questioned how VERA accounts for regional differences in patient demographics, case mix and infrastructure costs. The hearing also examined VA efforts to make VERA more effective in meeting the needs of veterans.

Witnesses included Dr. Robert Roswell, Under Secretary for Health, Department of Veterans Affairs; Dr. Jeanette Chirico-Post, Director, Veterans Integrated Service Network [VISN] 1, Department of Veterans Affairs; Mr. James J. Farsetta, Director, VISN 3, Department of Veterans Affairs; Ms. Cynthia Bascetta, Director, Health Care, Veterans’ Health and Benefits Issues, General Accounting Office; Dr. James C. Musselwhite, Jr., Assistant Director,

Health Care, General Accounting Office; Mr. Gerald Donnellan, director, Rockland County Veteran Service Agency; Mr. John Bachman, Captain, U.S. Air Force (retired); and Mr. Edmund Burke, co-chair, VA Connecticut Mental Health Advisory Board.

30. *“Transforming Department of Defense Financial Management: A Strategy for Change,” June 4, 2002*

a. Summary.—The inability to produce the data needed to efficiently and effectively manage the day-to-day operations of the Department of Defense [DOD] and provide accountability to Congress has been a long-standing problem.

Since 1995, the General Accounting Office [GAO] has designated DOD financial management a high risk because of pervasive weaknesses in the Department’s financial management systems, operations and controls. The limited reliability of DOD’s financial information wastes resources and undermines the Department’s ability to complete its mission. Despite efforts spanning a decade, the Department has made little progress becoming financially accountable.

The purpose of the hearing was to examine the latest Department of Defense financial management reform initiative. The subcommittee wanted to learn what strategy the Department of Defense developed for producing reliable, accurate, and timely financial management information, and how the latest investment in financial management system “architecture” would improve financial business processes and systems.

Witnesses included Mr. Stephen Friedman, chairman, Department of Defense Financial Management Study Group, Marsh & McLennan Capital, Inc.; Mr. Lawrence J. Lanzillotta, Principal Deputy Under Secretary of Defense (Comptroller), Deputy Under Secretary of Defense for Management Reform, Office of the Under Secretary of Defense (Comptroller), Department of Defense; Ms. Tina Jonas, Deputy Under Secretary of Defense for Financial Management, Office of the Under Secretary of Defense (Comptroller), Department of Defense; Mr. Joseph E. Schmitz, Inspector General, Department of Defense; Mr. Gregory Kutz, Director, Financial Management and Assurance Team, U.S. General Accounting Office; Mr. Randolph C. Hite, Director, Information Technology Systems Issues, U.S. General Accounting Office; and Mr. Franklin C. Spinney, Jr., Tactical Air Analyst, Office of Program Analysis and Evaluation, Department of Defense.

31. *“Combating Terrorism: Improving the Federal Response,” June 11, 2002*

a. Summary.—The Federal Government organization to counter terrorism is a controversial issue, and it continues to evolve. During the Clinton administration, the organization was shaped by several policy documents and a 5-year plan developed by the Attorney General’s office. The legacy and remnants of those directives continue as a source of guidance for agencies until new plans are developed. A number of government-sanctioned studies concluded the Clinton administration’s organization to counter terrorism was fragmented, uncoordinated, and politically unaccountable. During the Clinton administration three different bills were introduced in

the U.S. House of Representatives to reorganize the Federal counterterrorism effort.

In May 2001, President George W. Bush spoke of the need for a national, coordinated plan to deal with the consequences of an attack using weapons of mass destruction. After the events of September 11, 2001, the Bush administration established the Office of Homeland Security “to coordinate the executive branch’s efforts to detect, prepare for, prevent, protect against, respond to, and recover from terrorist attacks within the United States.” A study by the Brookings Institution asks the question, “Did the Bush administration get it right? Or are the critics right that bigger, bolder measures, and more centralized Federal structures, are needed to do the job?”

In May 2002, Congressman William (Mac) Thornberry (TX–13), Congresswoman Jane Harman (CA–36), and others, introduced H.R. 4660, the National Homeland Security and Combating Terrorism Act of 2002, which proposes to reorganize the Federal Government counterterrorism structure.

The purpose of the hearing was to examine the bill, H.R. 4660, the National Homeland Security and Combating Terrorism Act of 2002, introduced to establish a Department of Homeland Security and the National Office for Combating Terrorism.

Witnesses included the Honorable Mac Thornberry (TX–13), U.S. House of Representatives; the Honorable Jane Harman (CA–36), U.S. House of Representatives; the Honorable Jim Gibbons (NV–2), U.S. House of Representatives; the Honorable Ellen O. Tauscher (CA–10), U.S. House of Representatives; the Honorable Joseph Lieberman (D–CT), U.S. Senate; the Honorable Arlen Specter (R–PA), U.S. Senate; the Honorable Warren Rudman, co-chairman, U.S. Commission on National Security/21st Century; Admiral Thomas Collins, Commandant, U.S. Coast Guard, Department of Transportation; Mr. Bruce Baughman, Director, Office of National Preparedness, Federal Emergency Management Agency; Mr. John Varrone, Assistant Commissioner, Office of Investigations, U.S. Customs Service, Department of the Treasury; Mr. Robert Acord, Administrator, Animal and Plant Health Inspection Service, Department of Agriculture; and Mr. John Tritak, Director, Critical Infrastructure Assurance Office, Bureau of Industry Security, Department of Commerce.

32. *“DOD Financial Management: Following One Item Through the Maze,” June 25, 2002*

a. Summary.—The Department of Defense manages and administers very large and complex programs. Defense operations involve over \$1 trillion in assets, budget authority of about \$373 billion annually, and about 3 million military and civilian employees. Directing the finance and accounting of DOD operations represents one of the largest management challenges within the Federal Government.

The General Accounting Office was requested to provide the flow of information related to the procurement, accounting, control, and payment processes for defense supply inventory items. Specifically, GAO was asked to identify the key data systems used by DOD to support the department’s business processes, identify the inter-

relationships between these key data systems, and identify best supply chain management practices of a leading retail company.

The purpose of the hearing was to examine DOD financial management difficulties related to the procurement, accounting, payment, and inventory control of a selected DOD unique item.

The subcommittee wanted to determine how effectively do DOD information management systems support the procurement, inventory control and payment processes for the Joint Lightweight Integrated Suit Technology [JSLIST] and computer equipment procured using the government purchase card. In addition, the subcommittee wanted to know how effectively do DOD business processes for procurement, inventory control and payment compare with best practices in private industry.

Witnesses included Mr. Gregory Kutz, Director, Financial Management and Assurance Team, U.S. General Accounting Office; Mr. David Warren, Director, Defense Capabilities and Management Team, U.S. General Accounting Office; Mr. Darby W. Smith, Assistant Director, Financial Management and Assurance Team, U.S. General Accounting Office; Mr. John J. Ryan, Office of Special Investigation, U.S. General Accounting Office; Dr. John J. Coyle, Department of Business Logistics, Pennsylvania State University; Ms. JoAnn Boutelle, Director, Commercial Pay Services, Defense Finance and Accounting Service [DFAS], Department of Defense; Mr. Douglas Bryce, Program Manager, Joint Service Lightweight Technology Suit [JLIST], Department of Defense; Mr. Bruce E. Sullivan, Director, Joint Purchase Card Program Management Office, Department of Defense.

33. *“Missile Defense: A New Organization, Evolutionary Technologies, and Unrestricted Testing,” July 16, 2002*

a. Summary.—In January 2002, Secretary of Defense Donald H. Rumsfeld announced the re-designation of the Ballistic Missile Defense Organization [BMDO] as the Missile Defense Agency [MDA]. The agency will focus its efforts on developing a defense for the U.S. deployed forces, and allies and friends from ballistic missile attack.

This missile defense program has been scrutinized and criticized. Critics argue the MDA organization is withholding information about missile defense testing, the missile defense system has inherent technological flaws, and the United States should not withdraw from treaties to pursue missile defense.

The purpose of the hearing was to examine the restructured program, the technological development of the programs, the acquisition strategy, and the unrestricted testing environment.

Witnesses included Lieutenant General Ronald T. Kadish, USAF, Director, Missile Defense Agency, Department of Defense; the Honorable Thomas Christie, Director, Office of Test and Evaluation [OT&E], Department of Defense; Mr. Robert E. Levin, Director, Acquisition and Sourcing Management, U.S. General Accounting Office, accompanied by Ms. Barbara H. Haynes, Assistant Director; Ambassador David Smith, Chief Operating Officer, National Institute for Public Policy; Dr. William R. Graham, chairman and CEO, National Security Research, Inc.; and Mr. Eric Miller, Senior Defense Investigator, the Project on Government Oversight.

34. *“Lessons Learned: The Department of Veterans Affairs Prescription Drug Purchasing Program,” July 22, 2002*

a. Summary.—The subcommittee held a field hearing to assess the lessons learned from the Department of Veterans Affairs [VA] prescription drug program and the challenges that remain in making prescription drugs more affordable.

The hearing examined how the VA is able to obtain large discounts from drug manufacturers through the use of formularies, and buying in bulk. These discounts enable VA to offer veterans prescription drugs at a discounted cost. The hearing also examined the difficulties non-veterans face in managing increased prescription drug costs.

Witnesses included Ms. Judy Waxman, deputy executive director, Families USA; Dr. Alan Sager, professor of health services, director, health reform program, Boston University School of Public Health; Ms. Cynthia Bascetta, Director, Health Care, Veterans' Health and Benefits Issues, General Accounting Office; Mr. John Ogden, Chief Consultant, Veterans Health Administration, Pharmacy Benefits Management, Department of Veterans Affairs; and Mr. William Conte, Director, Department of Veterans Affairs Medical Center in Bedford, MA.

35. *“Homeland Security: Protecting Strategic Seaports,” July 23, 2002*

a. Summary.—Public Law 105–338, the Iraq Liberation Act of 1998, declares “it should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq, and to promote the emergence of a democratic government to replace that regime.” President George W. Bush has agreed and said the people of Iraq, as well as the region, would be better off without Saddam Hussein in charge of Iraq.

There are a number of ways to remove Hussein. He could die of natural causes, he could voluntarily step aside, or he could be removed from power through the action of internal or external forces. Any external force attempting removal will require a considerable amount of personnel and materiel. If a decision were made by the United States to invade Iraq, our military would be tasked with deploying, building, and sustaining combat power into a distant theater of operations. Ninety-five percent of all equipment and supplies needed to sustain such an action would be carried by sea to the battlefield.

The purpose of the hearing was to examine security coordination measures at strategic seaports during mobilization of military personnel and cargo.

Witnesses included Major General Kenneth L. Privratsky, Commander, Military Traffic Management Command, Department of Defense; Captain William G. Schubert, Maritime Administrator, Department of Transportation; Rear Admiral Paul J. Pluta, Assistant Commandant for Marine Safety and Environmental Protection, U.S. Coast Guard, Department of Transportation; Mr. Raymond Decker, Director, Defense Capabilities and Management Team, U.S. General Accounting Office; and Mr. Kenneth Goulden, vice president, Maersk Sealand.

36. *“Homeland Security: Keeping First Responders First,” July 30, 2002, field hearing, Norwalk, CT*

a. Summary.—The hearing examined the progress of local preparedness since September 11, 2001 and processes used to coordinate Federal, State, and local response capabilities.

In the event of a terrorist attack, the local firefighters, police, sheriffs, and emergency medical technicians are the initial personnel to confront the consequences. That is why they are called “first responders.”

The hearing questioned what progress has been made in local preparedness since September 11, 2001, and how Federal and State agencies support local first responders in emergencies.

Witnesses included the Honorable Alex Knopp, mayor, Norwalk, CT; Dr. William Schwab, president, Norwalk Community College, Norwalk, CT; Mr. Thomas DeMartino, director of emergency preparedness, New Canaan, CT; the Honorable Diane Goss Farrell, first selectwoman, Westport, CT; the Honorable Ray Baldwin, first selectman, Trumbull, CT; Police Chief James Berry, Trumbull Police Department, Trumbull, CT; Fire Chief Michael A. Maglione, Bridgeport Fire Department, Bridgeport, CT; Captain Paul Newman, Stamford Fire Headquarters, Stamford, CT; Mr. Frank Docimo, special operations officer, Turn of River Fire Department, Stamford, CT; Mr. Paul G. Clarke, executive director of operations, EMS Institute, Stamford Health System, Stamford, CT; Mr. Allen Yoder, EMS coordinator, Westport EMS, Westport, CT; Mr. Daniel A. Craig, Regional Director, Federal Emergency Management Agency, Region I, Boston, MA; Mr. Gerald McCarty, Acting Director, Office of National Preparedness, Federal Emergency Management Agency, Region II, New York, NY; Adjutant General William A. Cugno, Connecticut Military Department, Hartford, CT; Captain John Buturla, executive officer, Division of Protective Services, Connecticut Department of Public Safety, Waterbury, CT; Mr. Harry Harris, bureau chief, Public Transportation, Connecticut Department of Transportation, Newington, CT.

37. *“Homeland Security: Facilitating Trade and Securing Seaports,” August 5, 2002*

a. Summary.—Since September 11, 2001, an unprecedented effort has been undertaken to secure U.S. borders—land, sea, and air—attempting to prevent another terrorist attack on the United States. The efforts to secure these borders present a challenge to the economy of the United States. U.S. borders should be safe and secure, but at the same time we must continue to have a free and uninterrupted flow of trade to maintain the economic viability of the United States.

The purpose of the hearing was to examine efforts to secure seaports from terrorist attack and the impact of security measures on the free and uninterrupted flow of trade.

Witnesses included Mr. George Williamson, port director and CEO, Tampa Port Authority; Mr. Stephen White, president, Maritime Security Group; Mr. Willie Tims, Jr., vice president, IMC Phosphates MP Inc.; Mr. Thomas Hindle, president, CTL Distribution; Mr. Arthur Savage, president, A.R. Savage and Sons, Inc.; Ms. Janet Kovack, corporate community affairs specialist, CF Indus-

tries; Mr. Steve Lauer, chief, Florida Domestic Security Initiatives, Florida Department of Law Enforcement; Commissioner Patricia Frank, Hillsborough County, FL; Sheriff Cal Henderson, Hillsborough County, FL; Ms. JayEtta Z. Hecker, Director, Physical Infrastructure Team, General Accounting Office; Mr. Jack Bulger, Acting District Director, accompanied by Mr. Ronald Johnson, Port Director, Tampa, Immigration and Naturalization Service; Mr. Jeffrey Baldwin, Director, North Florida Customs Management Center, accompanied by Ms. Denise Crawford, Port Director, Tampa, U.S. Customs Service; Captain Alan Thompson, former Captain of the Port, Marine Safety Office, Tampa, U.S. Coast Guard; Mr. James F. Jarboe, Special Agent in Charge, Tampa, Federal Bureau of Investigation; Dr. James G. Butler, Deputy Under Secretary, Marketing and Regulatory Programs, accompanied by Ms. Mary Neal, Assistant Deputy Administrator for Agricultural Quarantine Inspection, Animal and Plant Health Inspection Service; Mr. Carl Davis, Director of Operations, Tampa, U.S. Department of Agriculture; and Mr. Gary Dykstra, Southeastern Regional Food and Drug Director, accompanied by Mr. Leon L. Law, Supervisor, Tampa Resident Post, Food and Drug Administration.

38. *“Combating Terrorism: Preventing Nuclear Terrorism,” September 24, 2002*

a. *Summary.*—Some experts note the lack of direct evidence terrorist organizations have successfully acquired a nuclear device. Other experts contend there is significant evidence terrorist groups are actively seeking to acquire nuclear materials and develop nuclear weapons.

The attacks of September 11, 2001 demonstrate the desire on the part of the terrorists to maximize the number of casualties inflicted during an attack. This desire coupled with statements made by terrorist organizations that it is their duty to use weapons of mass destruction, and documents discovered during operations in Afghanistan, raise the level of concern that if terrorists acquire radiological materials or nuclear weapons they will use them against the West.

Terrorists could obtain radiological material or a nuclear weapon from countries having such capabilities. For example, terrorists could acquire nuclear materials from a rogue nation such as Iraq. Terrorists could also acquire nuclear materials or weapons from Russia, which has an abundance of such materials left over from the cold war. There are several documented cases of material being smuggled out of Russia, and of Iraqi defectors providing accounts of Saddam’s operatives testing possible routes to smuggle fissile material out of Europe.

The United States has developed a number of programs to deter and prevent the proliferation of nuclear weapons, the majority of which focus on deteriorating nuclear sites within the former Soviet Union. These programs will be the subject of future hearings.

The hearing examined the threat of nuclear terrorism and how terrorists could acquire radiological or nuclear weapons.

Witnesses included Dr. Khidhir Hamza, president, Council on Middle Eastern Affairs, former Director General, Iraqi Nuclear Weapons Program; Mr. Matthew Bunn, senior research associate, Project on Managing the Atom, Belfer Center for Science and Inter-

national Affairs, Harvard University's John F. Kennedy School of Government; Dr. Rensslear Lee, Research Associate, Foreign Affairs, Defense, and Trade Division, Congressional Research Service; Ms. Rose Gottemoeller, senior associate, Carnegie Endowment for International Peace; Mr. Christopher Paine, senior researcher, Natural Resources Defense Council; Ms. Danielle Brian, executive director, the Project on Government Oversight; and Dr. Amatzia Baram, professor, Middle East History, University of Haifa.

39. *“Chemical and Biological Equipment: Preparing for a Toxic Battlefield,” October 1, 2002*

a. *Summary.*—For fiscal year 2003, the Department of Defense has requested \$1.374 billion for chemical and biological defense programs. According to DOD, the probability of U.S. forces encountering CB agents remains high. Funding for CBDP provides for the development and procurement of systems to deter and defend against chemical and biological agents. In addition, in fiscal year 2003, CBDP will be expanded to support homeland security by providing systems necessary to defend against and respond to acts of CB terrorism.

The purpose of the hearing was to examine the status of chemical and biological [CB] defense programs. The subcommittee wanted to determine the status of DOD efforts to develop CB defense program requirements, insure effective management, proper maintenance and ready availability of appropriate individual protective equipment [IPE], medical supplies and other CB defense items.

Witnesses included Mr. Joseph E. Schmitz, Inspector General, Office of the Inspector General, Department of Defense; Mr. Donald A. Bloomer, Program Director, Readiness Division, Office of the Inspector General, Department of Defense; Mr. David K. Steensma, Deputy Assistant Inspector General, Office of the Inspector General, Department of Defense; Mr. Raymond J. Decker, Director, Defense Capabilities and Management, U.S. General Accounting Office; Mr. William W. Cawood, Assistant Director, Defense Capabilities and Management, U.S. General Accounting Office; Dr. Anna Johnson-Winegar, Assistant to Secretary of Defense for CBD, Department of Defense; General Stephen Goldfein, Deputy Director, Joint Warfighting Capability Analysis JCS, Department of Defense; Major General William L. Bond, Office of the Assistant Secretary of the Army (ALT), Department of Defense; Mr. Michael A. Parker, Deputy to the Commander, U.S. Army Soldier and Biological Chemical Command [SBCCOM], Department of Defense; Mr. George Allen, Deputy Director, Defense Supply Center-Philadelphia, Defense Logistics Agency, Department of Defense;

40. *“Are We Listening to the Arab Street?” October 8, 2002*

a. *Summary.*—The hearing examined changes in U.S. public diplomacy in the Arab world since the events of September 11th.

Aspects of U.S. Middle East policy have been criticized as tone deaf to local concerns. Critics say the United States does not listen to or understand what is being said about America in the Middle East region. Hence, the popular sentiment in the Muslim world, often known as “the Arab Street,” dominates the dialog and determines the region's political agenda.

The hearing questioned to what extent U.S. policy reflects an understanding of Arab social and political thought and an understanding of Islamic thought?

Witnesses included Ambassador Chris Ross, U.S. Department of State; Mr. Harold C. Pachiod, chairman, U.S. Advisory Commission on Public Diplomacy; Dr. James J. Zogby, president, Arab American Institute; Mr. John Zogby, president/CEO, Zogby International; Dr. Shibley Telhami, professor of government and politics, Maryland University; Dr. Daniel Brumberg, associate professor of government, Georgetown University; Dr. R.S. Zaharna, assistant professor of public communication, American University; Mr. Yigal Carmon, president, the Middle East Media Research Institute; Mr. Laurent Murawiec, former senior international policy analyst, RAND Corp.; and Mr. Hafez Al-Mirazi, Washington Bureau chief, Al Jazeera Washington Office.

41. *“Research Into Persian Gulf War Veterans’ Illnesses,” October 10, 2002*

a. Summary.—The subcommittee held a hearing to discuss the Members’ participation in a June 18, 2002 meeting in London with United Kingdom officials, researchers and Gulf war veterans regarding research, and to incorporate the proceedings of that meeting into the record of this hearing.

The purpose of the London meeting was to examine the status of international cooperation with regard to epidemiological and clinical research into illnesses reported by the United Kingdom Veterans of the Persian Gulf war.

The subcommittee did not invite witnesses to testify, however Mr. James H. Binns, Jr., chairman of the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses was asked to submit a statement for the record relating to the work of the committee and comments regarding the findings of the London meeting.

42. *“VA Health Care: Access Delayed, Access Denied?” October 15, 2002, field hearing, Garden City, ID*

a. Summary.—The subcommittee hearing examined how an increase in the number of veterans seeking VA medical services has affected access to care and the quality of care at the Boise VA Medical Center.

The hearing questioned if veterans seeking care at the Boise VA Medical Center were receiving high quality, prompt and seamless service. The hearing also examined what the VA has done to reduce waiting times and maintain quality of care at the Boise VA Medical Center.

Witnesses included veteran Lt. Colonel Mitchell A. Jaurena USMC (ret); veteran Mr. E. Lee Bean; veteran Mr. William T. Smith; Mr. Richard W. Jones, administrator, Idaho Division of Veterans Services; Dr. Leslie Burger, Network Director, Veterans Integrated Service Network 20, Department of Veterans Affairs; Mr. Wayne Tippetts, Director, Boise Veterans Administration Medical Center, Department of Veterans Affairs; and Dr. David K. Lee, Chief of Staff, Boise Veterans Administration Medical Center, Department of Veterans Affairs.

43. *"Homeland Security: Finding the Nuclear Needle in the Cargo Container Haystack," November 18, 2002*

a. *Summary.*—Recent events at the Port of New York/New Jersey have raised a number of questions: the ABC News broadcast alleging that reporters smuggled 15 pounds of depleted uranium into the Port without sparking any questions from government officials, the delay of the freighter Palermo-Senator, a German container ship entering the Port that raised security concerns when low levels of radiation were detected emanating from the ship's containers, and the most recent, the delay of the freighter ship, the Mayview Maersk, because of suspected explosive material on board.

The purpose of the hearing was to examine agency efforts to screen cargo containers entering U.S. seaports and the effect of these efforts on the free flow of trade.

Witnesses included Rear Admiral Lawrence Hereth, Commandant, U.S. Coast Guard; Mr. Jayson Ahearn, Assistant Commissioner, U.S. Customs Service; Rear Admiral Richard Bennis, Associate Undersecretary for Maritime and Land Security, Transportation Security Administration; Ms. JayEtta Z. Hecker, Director, Physical Infrastructure Team, U.S. General Accounting Office; the Honorable James E. McGreevey, Governor of New Jersey; Mr. Frank M. McDonough, esq., president, New York Shipping Association, Inc.; General Charles Boyd (USAF, Ret.), CEO and president, Business Executives for National Security [BENS]; Mr. Brian D. Starer, partner, Holland & Knight LLP; and Mr. John Hyde, director of security and compliance, Maersk Inc.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. *"Telework Policies," March 22, 2001*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine Federal Government agency efforts to create and promote telecommuting initiatives that permit employees to work away from the traditional work site, either at home or at telecommuting centers in compliance with section 359 of Public Law 106-346. We found that with a few exceptions, Federal agencies have been reluctant to implement telecommuting policies due to the radical change in work culture that is required. OPM expressed its commitment to the initiative, but was clearly in the beginning stages of establishing a governmentwide policy. Additionally, the GSA-managed telecenters were found to be underperforming and we were unconvinced that GSA has marketed them to the fullest potential. The subcommittee heard testimony from Mr. Steve Cohen, Acting Director of the Office of Personnel Management; Mr. David Bibb, Acting Deputy Director of the General Services Administration; Mr. Mark Lindsey, Acting Administrator of the Federal Railway Administration; Mr. Tony Young, director of the National Industries for the Severely Handicapped; Dr. Bradley Allenby, vice president of Environment, Health and Safety for AT&T; and Ms. Jennifer Alcott, director of the Fredericksburg Regional Telework Center as to the cultural and technological barriers to successful telework initiatives.

The subcommittee indicated that it would continue to monitor the development and implementation of a governmentwide telecommuting policy, including the use of telecenters.

2. *“Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning from State and Local Governments,” April 3, 2001*

a. *Summary.*—This hearing followed a hearing held by the then-Subcommittee on Government Management, Information, and Technology [GMIT] in September 2000 that looked at the merits of establishing a Chief Information Officer [CIO] for the Federal Government. The GMIT hearing highlighted the infrastructural complications and deficiencies that now exist because of the lack of a Federal CIO. The purpose of the subcommittee’s April 3rd hearing was to more closely examine the potential role of a Federal CIO by looking at the various approaches that a number of State and local governments have implemented to manage and oversee information and information resources, including the use of IT enterprise-wide and the promotion of electronic government.

The hearing furthered the goal of Chairman Davis and Ranking Member Turner, who have both expressed deep concerns about the lack of coordination across government with respect to IT management and other information resources. As a result of their efforts to centralize the coordination of their IT capital planning, funding, personnel, and training across government, each of the State and local CIO witnesses testified with respect to the cost-savings, efficiencies, and improved service to citizens they have been able to achieve. The hearing provided a clear picture to the subcommittee of the benefits, obstacles, and solutions that States and local governments have accomplished by centralizing the management of their information resources, whether it be through a CIO or a panel of technology managers, and it demonstrated how those lessons learned could be applied to similar efforts at the Federal level. The subcommittee heard testimony from Mr. David McClure, Director of Information Technology Management Issues for the U.S. General Accounting Office; Ms. Aldona Valicenti, president of the National Association of State Information Resources Executives and chief information officer for the State of Kentucky; Mr. Donald Upson, secretary of technology for the Commonwealth of Virginia; Mr. Charlie Gerhards, deputy secretary for information technology, Commonwealth of Pennsylvania; Mr. David Molchany, chief information officer of Fairfax County, VA; and Mr. Donald Evans, chief information officer of Public Technology, Inc.

3. *“FTS 2001: How And Why Transition Delays Have Decreased Competition And Increased Prices,” April 26, 2001*

a. *Summary.*—This hearing addressed the progress of the FTS 2001 program, which provides long distance telecommunication services to Federal agencies. The FTS 2001 program is managed by the GSA and it is the follow-on to the FTS 2000 program which provided long distance telecommunications services to Federal agencies. The subcommittee sought to discover how the government had updated its strategy under the FTS 2001 program to achieve the overall goals of the program. A significant and growing part of

the Federal Government's mission is enhanced service delivery to citizens, agencies, and State and local governments. Delays in agency acquisition of end-to-end network services could impede progress to delivering more information and services electronically. Insufficient contract management appears to have slowed this goal. As the manager of FTS 2001, GSA is responsible for overall contract management and administration, coordination and procurement of services, planning, engineering and performance support to agencies, and customer service. At the hearing, it was not evident that agencies received the necessary support from GSA to manage their transitions. Moreover, it was unclear what actions GSA took to monitor contractor performance and rapidly remedy transition problems. The GAO states that GSA eliminated contract performance requirements until the completion of transition and was not able to establish a database to manage and track transition until January 2001.

The subcommittee heard testimony from Ms. Linda Koontz, Associate Director, Governmentwide and Defense Information Systems of the U.S. General Accounting Office; Ms. Sandra Bates, Commissioner of the Federal Technology Service of the General Services Administration; Brigadier General Gregory Premo, Deputy Director of Operations for the Defense Information Systems Agency, U.S. Department of Defense; Mr. James Flyzik, Chief Information Officer of the U.S. Department of Treasury; Mr. Jerry Edgerton, senior vice president of Worldcom Federal Systems; Mr. Anthony D'Agata, vice president and general manager of Sprint Government Systems Division; Mr. John Doherty, vice president, AT&T Government Markets; and Mr. James F.X. Payne, senior vice president of Qwest Communications.

The subcommittee intends to continue to monitor the progress of telecommunications procurement and management for the Federal Government. The subcommittee will continue to review the progress of FTS 2001 to ensure the Federal Government is updating its telecommunications acquisition strategy to secure up-to-date services at the best value.

4. *"The Next Steps in Services Acquisition Reform: Learning from the Past, Preparing for the Future," May 22, 2001*

a. *Summary.*—The hearing addressed and examined the progress of the acquisition reform initiatives undertaken in the early to mid-nineties. This hearing assessed the next steps in services acquisition reform. The streamlining, cost savings, access to technological advancements, and reduced procurement cycles have dramatically improved the quality of products and services purchased by the Federal Government. The subcommittee reviewed the success or failure of implementation efforts governmentwide. Additionally, the hearing examined what subsequent legislation is necessary to further streamline procurement and achieve greater utilization of commercial best practices. The Federal Government purchases \$87 billion in services a year. In order to ensure the government is maximizing efficiency for service contracting, the subcommittee reviewed workforce training, contract management, and the utilization of performance-based contracting and share-in-savings contracting. The subcommittee examined the rapid growth of service

contracting over the past decade. According to the General Accounting Office [GAO], since fiscal year 1990, the dollar value of service contracts has increased by 24 percent. Service contracting accounts for 43 percent of the government's total contracting expenses—larger than any other contracting expenditure. While there is no doubt that increased competition and growth in services contracting has led to greater efficiency for the Federal Government, there is evidence to suggest that agencies are having increased difficulty in managing the growing number of complex, multi-tiered service contracts.

The subcommittee heard testimony from Mr. David Cooper, Director, Contracting Issues of the U.S. General Accounting Office; Mr. David Oliver, Deputy Undersecretary of Defense for Acquisition, Technology, and Logistics for the U.S. Department of Defense; Mr. David Drabkin, Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy of the General Services Administration; Dr. Steven Kelman, Albert J. Weatherhead III and Richard W. Weatherhead professor of public management at the John F. Kennedy School of Government at Harvard University; Mr. Michael Mutek, senior vice president, general counsel and secretary of Raytheon Technical Information Services testifying on behalf of the Professional Services Council; and Mr. Mark Wagner, manager, Federal Government Affairs of Johnson Controls testifying on behalf of Contract Services Association.

The subcommittee intends to hold additional legislative hearings on services acquisition reform in spring 2002.

5. *“Ensuring Program Goals Are Met: A Review of the Metropolitan Area Acquisition Program,” June 13, 2001*

a. *Summary.*—This hearing examined the progress of the MAA program. The subcommittee explored whether or not the program has accomplished its primary goals of: (1) ensuring the best service and price for the government and (2) maximizing competition for services. Specifically, we reviewed the problems that Federal Government agencies in phase I and II cities encountered in transitioning to the MAA program. Additionally, this oversight hearing focused on what further action the General Services Administration, working with Federal agencies, needs to take in order to achieve the programmatic goals of the MAA. The MAA program was initiated by GSA in 1997 in order to capitalize on the goals in the Telecommunications Act of 1996. That act was intended to promote competition and higher quality services for consumers while reducing regulations to lower prices and facilitate the deployment of new telecommunications technologies. Accordingly, GSA's Federal Technology Service designed the ambitious MAA program in conjunction with Congress and the vendor community. GSA encountered many program challenges in implementing the goals of the program and did not adequately attempt to update the overall acquisition strategy once problems were identified. Often, there was a failure to communicate between FTS regions and headquarters. While it is clear that many of the hurdles that have existed nationwide within the telecommunications marketplace contributed to MAA program delays, it does not appear the FTS

shared problems and solutions among user cities to eliminate future impediments to transition.

The subcommittee heard from testimony from Ms. Linda Koontz, Associate Director, Governmentwide and Defense Information Systems, U.S. General Accounting Office; Ms. Sandra Bates, Commissioner of the Federal Technology Service of the General Services Administration; Commander Robert Day, Commanding Officer Coast Guard Electronic Support Boston of the U.S. Coast Guard; Mr. John Doherty, vice president of AT&T Government Markets; Mr. James F.X. Payne, senior vice president of government systems of Qwest Communications; Mr. Randall L. Lucas, vice president of sales, Federal Markets of Verizon Federal Inc.; Mr. Jerry Hogge, vice president of government solutions and enhanced service providers of Winstar; and Mr. David Page, vice president, Federal Systems of Bell South Business Systems.

The subcommittee will continue to review what impact the delays in transition had on the MAA program and additional solutions for updating the Federal Government's local telecommunications acquisition strategy.

6. *"The Best Services at The Lowest Price: Moving Beyond a Black-and-White Discussion of Outsourcing," June 28, 2001*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine the Federal Government's implementation of the Office of Management and Budget Circular A-76. We reviewed outsourcing as a means to enhance cost savings and efficient delivery of services under Federal agency oversight and management, while ensuring the equitable treatment of the agencies' employees. The subcommittee also reviewed DOD's compliance with the Federal Activities Inventory Reform Act and the process by which an agency determines which positions it will study under an A-76 cost comparison.

While outsourcing through the A-76 process is a means to achieving cost savings, there exist on-going concerns about the length and complexity of the process. The subcommittee heard testimony from the Honorable Pete Sessions (R-TX); the Honorable Albert Wynn (D-MD); the Honorable Luis Guitierrez (D-IL); Mr. Barry Holman, Director of Defense Capabilities and Management of the U.S. General Accounting Office; Ms. Angela Styles, Director of the Office of Federal Procurement Policy of the Office of Management and Budget; and Mr. Ray DuBois, Undersecretary of Defense for Installations and Environment of the U.S. Department of Defense along with testimony provided to the subcommittee from numerous private sector associations, companies, and trade unions. Currently, the congressionally mandated GAO Commercial Activities Panel is examining these issues and will report its findings and recommendations to Congress in May 2002. The subcommittee will conduct a followup hearing at that time.

7. *“Toward Greater Public-Private Collaboration in Research and Development: How the Treatment of Intellectual Property Rights Is Minimizing Innovation in the Federal Government,” July 17, 2001*

a. Summary.—This hearing addressed one of several barriers to acquisitions and sourcing by the Government: the treatment of intellectual property in government-funded research and development [R&D]. The goals of the hearing were to gather information about the nature and scope of intellectual property law and regulation as it relates to procurement. The Government has had difficulty attracting innovation to meet its R&D needs, and the hearing investigated existing mechanisms for flexible contracting, the need for training of the acquisition workforce on intellectual property issues, reform efforts currently underway in agencies, and proposals for regulatory and legislative change. The subcommittee heard testimony from Mr. Jack Brock, Managing Director of Acquisition and Sourcing Management at the U.S. General Accounting Office; Ms. Deidre Lee, Director of Defense Procurement for the U.S. Department of Defense; Mr. Eric Fygi, Deputy General Counsel of the U.S. Department of Energy; Mr. Richard Carroll, chief executive officer of Digital Systems Resources, Inc.; Mr. Richard Kuyath, counsel for the 3M Corp.; and Dr. Christopher Hill, professor of public policy and technology and vice provost for research, George Mason University.

How the Government treats intellectual property has a profound impact on the competitive environment for R&D. This hearing revealed that efforts underway in agencies are progressing, but that more reform may be necessary to attract top companies. Intellectual property rights are the lifeblood of commercial firms and are vitally important to universities. Working to improve the Government’s treatment of intellectual property rights must be a priority in order to ensure the ability to access the very best technologies for the country’s future civilian and military needs. The subcommittee plans to hold additional hearings on these subjects in 2002.

8. *“Public Service for the 21st Century: Innovative Solutions to the Federal Government’s Technology Workforce Crisis,” July 31, 2001*

a. Summary.—This hearing focused on the information technology human capital management [HCM] crisis facing the Federal Government. Government-wide, significant human capital shortages exist that will only get worse as 35 percent of the Federal workforce becomes eligible to retire in the next 5 years and an estimated 50 percent of the government’s technology workforce will be eligible to retire by 2006. The subcommittee heard testimony from the Honorable David Walker, Comptroller General of the U.S. General Accounting Office; the Honorable Kay Coles James, Director of the Office of Personnel Management; the Honorable Stephen Perry, Administrator of the U.S. General Services Administration; Dr. Steven Kelman, Harvard University, John F. Kennedy School of Government, Albert J. Weatherhead III and Richard W. Weatherhead professor of public policy; Mr. Martin Faga, CEO of the Mitre Corp. and representative of the National Academy of

Public Administration; Dr. Ernst Volgenau, president and CEO of SRA International, and representative of the Information Technology Association of America [ITAA]; and Mr. Steve Rohleder, managing partner, Accenture.

While the administration has requested workforce analysis reports from all executive agencies that include identifying personnel needs, succession planning, recruitment and retention strategies, and human capital is expected to be a part of every agency's performance plan and budget submissions, the participation of agencies in HCM may need to be monitored in 2002.

The hearing also focused on legislation sponsored by the chairman, the Digital Tech Corps Act of 2001 (H.R. 2678). This bill helps government transform itself by creating a new vision of public service for the 21st century. The legislation sets up an exchange program between agencies and the private sector for mid-level IT managers who can work daily on reviewing the status of IT modernizations and cross-agency initiatives. This public-private exchange program will allow for greater knowledge and understanding between the public and private sectors, and it will foster greater innovation and partnership for government and industry.

9. *"Toward a Telework-Friendly Government Workplace: an Update on Public and Private Approaches to Telecommuting," September 6, 2001*

a. *Summary.*—The subcommittee conducted a follow-up to its March 22, 2001, oversight hearing to examine Federal agencies' progress in developing and implementing telecommuting initiatives. We found that the cultural change required by managers, in particular, remains the greatest obstacle to overcome. OPM and GSA joined forces to create a comprehensive telework Web site to educate managers and employees, alike. GAO has recently reported to Congress about the potential tax, regulatory, liability, and managerial barriers that private sector companies must address when implementing telecommuting initiatives. The subcommittee examined the extent to which these private sector telecommuting barriers may be applicable to the Federal Government. The subcommittee heard testimony from Mr. Robert Robertson, Director of Education, Workforce and Income Security Issues at the U.S. General Accounting Office; Ms. Teresa Jenkins, Director of the Office of Workforce Relations at the Office of Personnel Management; Mr. David Bibb, Deputy Associate Director of the Office of Government-wide Policy for the U.S. General Services Administration; Mr. Harris Miller, president of the Information Technology Association of America [ITAA]; Mr. Mark Straton, vice president of global marketing for Siemens Enterprise Networks; and Mr. Robert Milkovich, managing director of CarrAmerica.

The creation and implementation of telecommuting policies is an on-going process in the Federal agencies. Therefore, the subcommittee will continue to monitor the work of OPM and GSA in this area, in addition to the efforts made by individual agencies.

10. *"The Potential Benefits of Public-Private Partnerships as a Real Property Management Tool," October 1, 2001*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine the benefits of the Federal Government entering into public-private partnerships for real property. The General Services Administration needs to address the growing challenges created by deteriorating buildings in the Federal inventory. Currently, billions of dollars are spent to maintain buildings. However, that is insufficient to reduce the deferred maintenance backlog. The hearing revealed that since limited funding is available for repairs and alterations of Federal buildings, public-private partnerships are potentially beneficial as a real property management tool. The public-private partnership provisions of H.R. 2710, the Federal Asset Management Improvement Act of 2001, were discussed. The subcommittee heard testimony from Mr. Bernard Ungar, Director of Physical Infrastructure Issues at the U.S. Government Accounting Office; Mr. Stephen Perry, Administrator of the U.S. General Services Administration; Mr. Ray DuBois, Deputy Undersecretary of Defense for Installations and Environment for the U.S. Department of Defense; Mr. Anatolij Kushnir, Director of the Office of Asset Enterprise Management for the Department of Veterans Affairs; Ms. Kimberly Burke, principal, Ernst & Young; and Mr. Sherwood Johnston, designated broker, Arizona of CarrAmerica Realty Corp.

11. *"Transforming the IT and Acquisition Workforces: Using Market-Based Pay, Recruiting and Retention Strategies to Make the Federal Government an Employer of Choice for IT and Acquisition Employees," October 4, 2001*

a. *Summary.*—This hearing followed up on the July 31st hearing's exploration of the human capital management crisis facing the government and reviewed a draft of legislation to be introduced later in the session. The subcommittee also reviewed the findings of the report of the National Academy of Public Administration [NAPA] from its recent in-depth study of public and private sector compensation practices for IT employees. At this hearing, the subcommittee reviewed testimony provided by Mr. David McClure, Director of IT Management Issues for the U.S. General Accounting Office; Mr. Mark Forman, Associate Director for Information Technology and E-government for the U.S. Office of Management and Budget; Mr. Donald Winstead, Acting Associate Director of Workforce Compensation and Performance at the U.S. Office of Personnel Management; the Honorable Don Upson, Secretary of Technology for the Commonwealth of Virginia; Mr. Arthur Amler, director of employee compensation, for IBM, representing the Information Technology Association of America; Ms. Jean Baderschneider, vice president of procurement for ExxonMobil Global Services Co.; and Mr. Costis Toregas, president of Public Technology, Inc., representing the National Academy of Public Administration [NAPA].

While advances in technology provide an unprecedented opportunity to improve government service, these gains can only be made if the Government has a skilled workforce that can acquire, manage, and implement information technology products and services. The current human resources management system of the great majority of Federal workers is built upon rigid 19th century

models. The legislation would draw from the private sector's near universal use of "pay-for-performance" and would make new flexibilities available for hiring, training, and retaining employees in order to solve the looming human capital management crisis. Further hearings on these subjects are planned in 2002.

12. *"Moving Forward with Services Acquisition Reform: A Legislative Approach to Utilizing Commercial Best Practices," November 1, 2001*

a. *Summary.*—The hearing built on oversight hearings conducted over the past year on the continuing barriers government agencies have in acquiring the goods and services necessary to meet mission objectives. The hearing reviewed proposed legislative initiatives designed to provide the Federal Government greater access to the commercial marketplace. Unfortunately, the subcommittee found the government is not utilizing commercial best practices or fully realizing the importance of performance metrics in acquisition cycles. The legislative proposals reviewed by the subcommittee are necessary to further streamline procurement and achieve greater utilization of commercial best practices. The Federal Government purchases \$87 billion in services a year. In order to ensure the government is maximizing efficiency for service contracting, the subcommittee reviewed legislation which included provisions to address workforce training, business environment reform, contract management, the utilization of performance-based contracting and share-in-savings contracting.

The subcommittee heard testimony from Mr. William Woods, Director of Contracting Issues for the U.S. General Accounting Office; Mr. Stephen Perry, Administrator of the U.S. General Services Administration; Ms. Angela Styles, Administrator of the Office of Federal Procurement Policy for the Office of Management and Budget; Ms. Deidre Lee, Director of Defense Procurement of the U.S. Department of Defense; Mr. Stan Z. Soloway, president of the Professional Services Council; Dr. Renato DiPentima, president of SRA Consulting and Systems Integration, testifying on behalf of the Information Technology Association of America; Mr. Mark Wagner, manager of Federal Government Affairs for Johnson Controls, testifying on behalf of the Contract Services Association; Mr. Charles Mather, principal at Acquisition Solutions, Inc.; and Dr. Charles Tiefer, professor at the University of Baltimore Law School.

The subcommittee will be conducting additional legislative hearings in spring 2002.

13. *"Battling Bioterrorism: Why Timely Information-Sharing Between Local, State and Federal Governments is the Key to Protecting Public Health," December 14, 2001*

a. *Summary.*—This hearing discussed the response and information dissemination capabilities of the Nation's public health systems to a bioterrorism threat or incident. The hearing reviewed the Centers for Disease Control and Prevention [CDC] March 2001 report on Public Health's Infrastructure: Every health department fully prepared; every community better protected. The best initial defense against public health threats, whether naturally occurring or deliberately caused, continues to be accurate, timely recognition

and reporting of problems. To that end, one of our top priorities must be to ensure we have a strong information-sharing network that protects privacy while seamlessly connecting local, State, and Federal Governments. The March 2001 report outlined a number of goals for improving communication and information technology capabilities at the Federal, State, and local level. The hearing examined our progress to date in meeting the goals set forth in the report and the timeframes for reaching yet unmet goals. Additionally, it discussed lessons learned from the recent events related to the anthrax incidents in October and November 2001 as well as existing pilot programs on the Health Alert Network [HAN] and the National Electronic Disease Surveillance System [NEDSS]. The hearing also reviewed best practices for information sharing among Federal, State, and local entities to determine our next steps for responding to future bioterrorism threats. The anthrax attacks in October 2001 showed the need to improve information-sharing capabilities of the disparate Federal, State, and local health authorities, as well as private hospitals in the event of a public health emergency. Both basic IT infrastructure and communications protocols must be clarified and improved in order to achieve the efficient system necessary to effectively respond to an emergency.

Finally, the subcommittee reviewed what effect media reporting played in the public health communities' response to the anthrax incidents. As public health professionals attempted to provide warnings and guidance based on traditional epidemiological methods, they often found themselves outpaced by constant media reports. Timely and accurate transmission of information to the general public will be a vital communications objective in future health emergencies. Recent events have shown the slim margin of error in this area before public mistrust begins to take hold. Thus, future communications plans must take into account the role the media will play in shaping public reaction and ensuring that the correct message emerges immediately from those responsible for making health policy decisions.

The subcommittee heard testimony from Dr. Edward Baker, M.D., MPH, Director of the Public Health Program Practice Office for the Centers for Disease Control and Prevention; Dr. Kevin Yeskey, M.D., Acting Director of the Bioterrorism Preparedness and Response Program, National Center for Infectious Diseases. Additionally the subcommittee reviewed testimony from a range of State and local government organizations along with testimony from private sector health providers, including Mr. Rock Regan, chief information officer for the State of Connecticut, representing the National Association of State Chief Information Officers; Dr. Gianfranco Pezzino, M.D., MPH, State epidemiologist for the Kansas Department of Health and Environment, representing the Council for State and Territorial Epidemiologists; Dr. Paul Wiesner, M.D., MPH, Director for the DeKalb County Board of Health, representing the National Association of County and City Health Officials; Mr. Michael H. Covert, president of the Washington Hospital Center, representing the American Hospital Association; Dr. Carol S. Sharrett, M.D., MPH, director of health for Fairfax County, VA; and Dr. Charles E. Saunders, M.D., president of EDS Health Care Global Industry Group.

The subcommittee will be holding additional hearings on information sharing best practices throughout 2002.

14. *“Helping Federal Agencies Meet Their Homeland Security Missions: How Private Sector Policies Can Be Applied to Public Sector Problems,” February 26, 2002*

a. *Summary.*—In this hearing, the subcommittee reviewed what barriers exist in facilitating President George W. Bush’s homeland security initiatives, both in terms of agency change management and technology acquisition. Defending America in the new war against terrorism will require every level of government to work together with citizens and the private sector. Effective use of accurate information from divergent sources is critical, for, as this hearing revealed, the terrorists of September 11, 2001 generated transactions and data points across numerous systems—including visas, border crossings, traffic stops, cash deposits and withdrawals, airline tickets, and others. The terrorists were hiding information across a spectrum of public and private databases and through stovepipes of government knowledge. One of the most important lessons learned from September 11th was the need to build trust and coordination between different agencies and stakeholders in the fight against terrorism. This hearing also revealed that achieving homeland security in real time suggests that the government should consider tools already available in the private sector, including customer relationship management [CRM] solutions.

The subcommittee heard testimony from Mr. Pat Schambach, Chief Information Officer of the Transportation Security Administration [TSA], U.S. Department of Transportation; Mr. Fernando Burbano, Chief Information Officer at the U.S. Department of State; Mr. S.W. “Woody” Hall, Jr., Chief Information Officer at the U.S. Customs Service; Mr. Ronald Miller, Chief Information Officer at the Federal Emergency Management Agency; Mr. Tom Siebel, Chief Executive Officer of Siebel Systems; Mr. Alfred Mockett, Chief Executive Officer of AMS, Inc.; Mr. Steve Rohleder, managing partner of Accenture; Ms. Anne Altman, managing director—U.S. Federal at IBM Public Sector; Mr. Al Edmonds, president of the Federal Information Systems Division, EDS; and Mr. David Ferm, chief executive officer of Business-to-Business, Primedia, Inc.

15. *“H.R. 3832, the Services Acquisition Reform Act of 2002,” March 7, 2002*

a. *Summary.*—This legislative hearing was grounded on others conducted during the past year on the continuing barriers government agencies must overcome in acquiring the goods and services necessary to meet mission objectives. The reforms of the early to mid-nineties have resulted in significant streamlining, cost savings, access to technological advancements, and reduced procurement cycles. Unfortunately, the government has not been utilizing commercial best practices or fully realizing the importance of performance metrics in acquisition cycles. In fact the subcommittee continued to find that Federal agencies were failing to achieve contract management goals and efficiency in service contracting. GAO and other oversight agencies discovered prevailing weaknesses in service contracting, including acquisitions that were not competed sufficiently,

and were poorly planned and managed. The goal of the hearing was to review legislation, the Services Acquisition Reform Act of 2002 [SARA], designed to provide the Federal Government with an acquisition system that would facilitate the acquisition of greater quality of products and services by the Federal Government. SARA will assist agencies in overcoming the remaining barriers by adopting lessons learned from the private sector, better management approaches and acquisition tools government-wide to facilitate the efforts of acquisition managers in meeting agency goals through improved contracting, particularly for services.

The subcommittee heard testimony from Mr. William Woods, Director, Contracting Issues, U.S. General Accounting Office; Mr. Stephen Perry, Administrator, U.S. General Services Administration; Ms. Angela Styles, Administrator, Office of Federal Procurement Policy, Office of Management and Budget; Ms. Deidre Lee, Director of Procurement, U.S. Department of Defense; Dr. Steven Kelman, Albert J. Weatherhead III and Richard W. Weatherhead professor of public management, Harvard University; Professor Steven Schooner, associate professor of law, George Washington University Law School; Mr. Scott Dever, vice president of Global Procurement, Hasbro, Inc.; Mr. Richard Roberts, Federal Practice, KPMG Consulting, Inc., testifying on behalf of the Information Technology Association of America; Ms. Roberta StandsBlack-Carver, president and CEO, Four Winds Services, Inc., testifying on behalf of the Contract Services Association; and Mr. Jerry S. Howe, senior vice president and general manager, Veridian testifying on behalf of the Professional Services Council.

The subcommittee intends to further develop and refine the provisions of SARA during the next Congress with the aim of introducing an enhanced version.

16. *“Turning The Tortoise Into The Hare: How The Federal Government Can Transition From Old Economy Speed To Become A Model For Electronic Government,” March 21, 2002*

a. *Summary.*—The subcommittee conducted an oversight hearing to examine the electronic government initiatives that are being developed by the Office of Management and Budget [OMB] through the newly-created office of Associate Director of Information Technology [IT] and E-Government, held by Mr. Mark Forman. The subcommittee also looked at the use of enterprise architecture [EA] by OMB and by the managing partner agencies charged with carrying out the development and implementation of some of those 24 e-gov initiatives approved by the President’s Management Council.

The subcommittee heard testimony from Mr. Randy C. Hite, Director, Information Technology Systems Issues, U.S. General Accounting Office, who was accompanied by Mr. Dave McClure, Director, Information Technology Management Issues, U.S. General Accounting Office; Mr. Mark Forman, Associate Director for Information Technology and E-Government, Executive Office of the President, Office of Management and Budget; Mr. Lee Holcomb, Chief Information Officer, National Aeronautics and Space Administration; Ms. Debra Stouffer, Federal Enterprise Architecture Program Manager (on detail to OMB), Deputy Chief Information Officer for IT Reform, Department of Housing and Urban Development

(on leave); Ms. Mayi Canales, Deputy Chief Information Officer, Department of Treasury; Dr. Laura Callahan, Ph.D., Deputy Chief Information Officer, Information Technology Center, Department of Labor; Ms. Janet Barnes, Chief Information Officer, Office of Personnel Management; and Dr. Lloyd Blanchard, Chief Operating Officer, Office of Management and Administration, Office of the Associate Deputy Administrator, Small Business Administration.

17. *“Making Sense of Procurement’s Alphabet Soup: How Purchasing Agencies Choose Between FSS and FTS,” April 11, 2002*

a. Summary.—As a part of the subcommittee’s continuing oversight of the government’s procurement and information technology [IT] management activities, the hearing explored the current organization of the General Services Administration’s [GSA] Federal Supply Service [FSS] and its Federal Technology Service [FTS]. Both the FSS and FTS buy products and services from the private sector and resell them to agency customers. FSS, through the Schedules program, provides government agencies with the opportunity to quickly purchase goods and services, including IT. FTS offers a range of IT and telecommunications services through varied contract vehicles including the schedules. FTS also offers consulting and more extensive contract management solutions to assist agencies in complex acquisitions. Concerned about the overlapping and possibly redundant nature of the FSS/FTS structure, the subcommittee conducted the hearing to explore issues related to the management and structure of FSS and FTS. Additionally, the subcommittee reviewed the impact of the existing structure on GSA’s customer agencies and the vendor community. A key element of the hearing was centered on the progress of a study of the FSS and FTS structure contracted for by GSA at the subcommittee’s urging. The goal was to determine whether FSS and FTS ensure that the taxpayers receive best value when the government acquires goods and services.

The subcommittee heard testimony from Mr. David E. Cooper, Director, Acquisition and Sourcing Management, U.S. General Accounting Office [GAO]; Mr. Stephen Perry, Administrator, GSA; Ms. Claudia S. Knott, Executive Director, Logistics Policy and Acquisition Management, Defense Logistics Agency; Mr. Edward Allen, executive director, Coalition for Government Procurement; and Mr. Dwight Hutchins, partner, USA Federal Government Strategy Practice, Accenture.

The hearing established that while challenges remain GSA is indeed making progress in addressing the structural and management issues surrounding FSS and FTS and in attaining best value for the taxpayers. Based on the information gleaned during the hearing the subcommittee has enlisted the help of GAO in following the progress of GSA’s implementation of the recommendations of the Accenture study and will continue exercise vigorous oversight on these aspects of GSA’s activities.

18. *“Ensuring the Safety of our Federal Workforce: GSA’s Use of Technology to Secure Federal Buildings,” April 25, 2002*

a. *Summary.*—On, April 25, 2002, the Subcommittee on Technology and Procurement Policy conducted an oversight hearing to examine the General Services Administration’s [GSA] efforts to secure Federal buildings that it owns or leases using commercially available security technologies, including x-ray machines, access cards, and biometrics.

Since the terrorist attacks on September 11, 2001, Federal buildings have been at a heightened state of alert and agencies have made it a priority to enhance security measures. The attacks have led to a renewed assessment of the vulnerability of Federal buildings and forced agencies to focus on a new array of security threats. Technological upgrades and the acquisition of new technologies are part of the broader efforts to combat these threats. Therefore, the subcommittee reviewed how technology is incorporated into the security standards that GSA is implementing. The hearing revealed that the use of commercially available technologies is not sufficient to ensure the security of Federal buildings, but should be integrated into a comprehensive risk management approach to building security.

The following witnesses provided testimony: Mr. Keith A. Rhodes, Chief Technologist, U.S. General Accounting Office; Mr. F. Joseph Moravec, Commissioner, Public Buildings Service, General Services Administration with supporting witness Mr. Wendell Shingler, Director, Federal Protective Service; Mr. John N. Jester, Chief, Defense Protective Service, Department of Defense; Mr. Frank R. Abram, General Manager, Security Systems Group, Panasonic; Mr. Roy N. Bordes, council vice president, American Society for Industrial Security; counsel vice president and president/CEO, the Bordes Group, Inc.

19. *“Intellectual Property and Government R&D for Homeland Security,” May 10, 2002*

a. *Summary.*—In this hearing, the subcommittee continued its investigation of why intellectual property [IP] rights are causing leading-edge companies to refuse to do government sponsored research and development [R&D]. R&D will play a critical role in America’s ability to generate the new ideas and innovation needed to win the war on terrorism. In an environment where private sector R&D spending accounts for almost three-fourths of the total spent in the United States, the Government’s role has changed to become a partner in innovation, rather than the sole driving force. Because IP rights are the most valued assets of companies, the Government must ensure that its policies, procedures, and procurements reflect this partnership for innovation.

In the government’s new role as a partner in R&D innovation, contracting officers, program managers, and agency legal staff need training to understand how existing contract flexibilities for the treatment of IP rights can be used to attract and retain leading-edge companies. The subcommittee explored the experiences of successful R&D organizations, such as DARPA and In-Q-Tel, for lessons that can be learned and problems that need to be addressed in the procurement of government R&D and IT. Additionally, views

were presented on the need to make changes to the laws affecting R&D and IP.

The subcommittee heard testimony from Mr. Jack Brock, Managing Director for Acquisition and Sourcing Management at the U.S. General Accounting Office [GAO]; Dr. Anthony J. Tether, Director of the Defense Advanced Research Projects Agency [DARPA]; Mr. Benjamin H. Wu, Deputy Under Secretary of Commerce for the Technology Administration at the U.S. Department of Commerce; Mr. Gilman Louie, president and CEO of In-Q-Tel; Mr. Richard Carroll, chairman of the Small Business Technology Coalition and president of DSR, Inc.; Mr. Stanley Fry, director of contracts and legal affairs at the Eastman Kodak Co.; and Mr. Stan Soloway, president of the Professional Services Council.

20. *“Meeting the Homeland Security Mission: Assessing Barriers to and Technology Solutions for Robust Information Sharing,” June 7, 2002*

a. Summary.—This hearing continued the subcommittee’s oversight of efforts to improve information sharing in the aftermath of the terrorist attacks of September 11, 2001. September 11th caused a sea change in the mission of government: the first priority of the Nation became homeland security. More than ever before, success in the fight against terrorism is dependant upon collecting, analyzing, and appropriately sharing information between levels of government, within agencies, and with the general public and private sector.

President George W. Bush has made improved information sharing a priority in his administration and budget. However, when it comes to the war on terrorism, Americans are not asking for more spending; they are asking for more spending that works. Unfortunately, as witnesses revealed, there has not been an organized, cohesive, and comprehensive process within the government to evaluate private sector solutions to the problems of information sharing and homeland security. Many technology firms with expertise to address homeland security matters testified that they are having a hard time gaining a real audience for their products. Addressing the acquisition challenges to achieving homeland security must be a priority so that we can begin to leverage America’s competitive advantage in IT innovation for the benefit of all Americans.

The subcommittee heard testimony from Mr. Randall Yim, Managing Director of the National Preparedness Team at the U.S. General Accounting Office [GAO]; Mr. Mark Forman, Associate Director of Information Technology and E-government at the U.S. Office of Management and Budget [OMB]; Mr. Robert J. Jordan, Director of the Information Sharing Task Force at the Federal Bureau of Investigation [FBI]; Mr. George H. Bohlinger, Executive Associate Commissioner for Management at the U.S. Immigration and Naturalization Service [INS]; Dr. William F. Raub, Deputy Director of the Office of Public Health Preparedness at the U.S. Department of Health and Human Services [HHS]; Dr. Ronald D. Sugar, president and chief operating officer of the Northrop Grumman Corp.; Mr. Leonard Pomata, president of the Federal Group at webMethods, Inc.; Mr. S. Daniel Johnson, executive vice president for public services at KPMG Consulting, Inc.; and Mr. Kevin J.

Fitzgerald, senior vice president for government, education and healthcare at Oracle Corp. Additionally, a statement for the record was accepted from Mr. Robert Schena, president and CEO of Digital Broadband Application Corp.

Congress's creation of the Department of Homeland Security will address only some of the information sharing concerns raised by the September 11th attacks. Ensuring vigorous information sharing within each of the component agencies at the new Department of Homeland Security, as well as between it and the Department of Justice and the CIA, will be require continued oversight.

21. *"Helping State and Local Governments Move at New Economy Speed: Adding Flexibility to the Federal IT Grant Process," July 9, 2002*

a. *Summary.*—This hearing continued the subcommittee's oversight efforts to examine the issue of State and local information technology grant management. The hearing underscored the critical role that information technology plays in how State and local governments deliver services to their constituencies. Federal, State, and local governments continue to seek out these results by investing in information technology systems, however, in some cases, this has not yielded the outcome they had hoped to attain.

The Federal Government provides hundreds of millions of dollars in grants each year to support a variety of State programs, including Medicaid, child support enforcement, food stamps, and juvenile justice. State governments have voiced their concerns that restrictions on how Federal funds are spent inhibit their ability to coordinate related functions across departments or agencies, thus, making it difficult to provide effective service to citizens. This hearing highlighted some of the challenges that States face in applying for and obtaining Federal funds for information technology grants and how Federal agencies are working with States to reduce the bureaucracy while improving program results.

The subcommittee heard testimony from Dr. David L. McClure, Director, Information Technology Management Issues, U.S. General Accounting Office; Dr. Sherri Z. Heller, Commissioner, Office of Child Support Enforcement, Administration for Children and Families, U.S. Department of Health and Human Services; Mr. Richard Friedman, Director, Division of State Systems, Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, U.S. Health and Human Services; Mr. Roberto Salazar, Administrator, Food and Nutrition Service, U.S. Department of Agriculture; Ms. Aldona Valicenti, Chief Information Officer, Commonwealth of Kentucky; Mr. Larry Singer, Chief Information Officer, State of Georgia; and Mr. Robert G. Stauffer, health and human service business development manager, Deloitte Consulting.

This oversight hearing sought to determine how State and local information technology grants are managed and if the process is allowing States the flexibility to procure these systems in a timely and cost-effective manner while giving the Federal Government the proper oversight. The hearing determined that the Federal Government should re-evaluate its role to permit State and local governments the flexibility while maintaining accountability standards so

that they may obtain the information technology tools they need to share information and deploy systems to achieve this objective.

22. *“A Review of the Commercial Activities Panel Report,” September 27, 2002*

a. Summary.—The subcommittee conducted an oversight hearing to examine the results and recommendations of the Commercial Activities Panel published in their final report, *Improving the Sourcing Decisions of the Government*. Congress mandated the creation of the panel to study the policies and procedures governing the transfer of the Federal Government’s commercial activities from government to contractor performance. The legislation required that members of the panel represent the interests of the Department of Defense, private industry, Federal labor organizations, and the Office of Management and Budget.

The panel unanimously adopted 10 sourcing principles intended to guide the Federal Government in its sourcing policy. Additionally, the panel’s recommendations were adopted by a supermajority (8–4). Two Federal labor union representatives and two representatives from academia cast the dissenting votes. The recommendations include: (1) the implementation of an integrated competition process in which public-private competitions would be conducted under the Federal Acquisition Regulation⁷ with some appropriate provisions from A–76, (2) limited changes to circular A–76, and (3) the creation of high-performing organizations [HPO] by management and employees; the HPO would be exempt from competition for a particular function for a designated time period.

In her comments to the subcommittee, OFPP Administrator Angela Styles stated that the administration was finalizing revisions to certain criteria used in the competitive sourcing process. Therefore, the subcommittee recommends reviewing the proposed modifications and their potential impact when they are released by the administration.

The following witnesses testified before the subcommittee: The Honorable David M. Walker, Comptroller General, U.S. General Accounting Office; the Honorable Angela Styles, Director, Office of Federal Procurement Policy, Office of Management and Budget; Joseph Sikes, Director for Competitive Sourcing and Privatization, Department of Defense; Jacqueline Simon, Director of Public Policy, American Federation of Government Employees; Colleen M. Kelley, president, National Treasury Employees Union; Stan Z. Soloway, president, Professional Services Council; and Mark Wagner, Johnson Controls World Services, Inc.

23. *“Ensuring Coordination, Reducing Redundancy: A Review of OMB’s Freeze on IT Spending at Homeland Security Agencies,” October 1, 2002*

a. Summary.—The subcommittee conducted an oversight hearing on the recently announced Office of Management and Budget [OMB] freeze on information technology [IT] spending for projects over \$500,000 for agencies that will be a part of the new Depart-

⁷This regulation sets forth uniform policies and procedures for the competitive acquisition system used by all executive agencies.

ment of Homeland Security. Currently, seven agencies are affected by the freeze. They are the Coast Guard, the Federal Emergency Management Agency [FEMA], the U.S. Customs Service, the Transportation Security Administration [TSA], the Immigration and Naturalization Service [INS], the Secret Service, and the Animal and Plant Health Inspection Service [APHIS].

The subcommittee asked GAO to: (1) review and summarize the information agencies provide to OMB on their IT infrastructure, financial management, procurement, and human resources projects that are subject to the spending freeze, (2) identify whether OMB has made any exceptions to the freeze, and (3) identify OMB's approach in implementing the spending freeze, particularly the process it is using in reviewing the projects subject to the freeze, the criteria that are being used to determine which of the projects should go forward, and the length of time that that freeze is expected to be in effect. The subcommittee was interested in hearing additional testimony regarding the impact that the freeze would have on existing projects and agency budgeting for fiscal year 2004, in addition to how agencies are reevaluating their IT needs in response to the freeze.

The subcommittee heard from Mr. Joel Willemsen, Managing Director of Information Technology Issues, U.S. General Accounting Office; Mr. Mark Forman, E-Government Administrator, Office of Management and Budget; Ms. Sandra Bates, Commissioner, Federal Technology Service, General Services Administration; Mr. Patrick Schambach, Chief Information Officer, Transportation Security Administration, U.S. Department of Transportation; and Mr. Renny DiPentima, president, SRA Consulting and Systems Integration testifying on behalf of the Information Technology Association of America.

PART THREE. PUBLICATIONS

I. Committee Prints

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. "Rules of the Committee on Government Reform," February 2001.
2. "Interim Report of the Activities of the House Committee on Government Reform," March 2002.

SUBCOMMITTEE ON CIVIL SERVICE, CENSUS AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. "Title 5, United States Code, Government Organization and Employees," May 2001.

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

Hon. Constance A. Morella, *Chairwoman*

1. "Compilation of Selected Federal Acts Relating to Municipal Affairs of the District of Columbia," November 2002.

II. Printed Hearings

FULL COMMITTEE

Hon. Dan Burton, *Chairman*

1. "The Controversial Pardon of International Fugitive Marc Rich," February 8 and March 1, 2001, Serial No. 107-11.
2. "Special Education: Is IDEA Working as Congress Intended?" February 28, 2001, Serial No. 107-12.
3. "Six Years After the Establishment of DSHEA: The Status of National and International Dietary Supplement Research and Regulation," March 20, 2001, Serial No. 107-26.
4. "The U.S. Postal Service's Uncertain Financial Outlook, Parts I and II," April 4 and May 16, 2001, Serial No. 107-10.
5. "Assessing the California Energy Crisis: How Did We Get to This Point, and Where Do We Go From Here?" April 10, 11, and 12, 2001, Serial No. 107-28, held jointly with the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.
6. "Autism—Why the Increased Rates? A One-Year Update," April 25 and 26, 2001, Serial No. 107-29.
7. "The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati," May 3, 2001, Serial No. 107-25.
8. "Investigation Into Allegations of Justice Department Misconduct in New England—Volume 1," May 3, December 13, 2001, and February 6, 2002, Serial No. 107-56.
9. "Challenges to National Security: Constraints on Military Training," May 9, 2001, Serial No. 107-3.
10. "The Use of Prosecutorial Power in the Investigation of Joseph Gersten," June 15, 2001, Serial No. 107-27.
11. "Compassionate Use of Investigational New Drugs: Is the Current Process Effective?" June 20, 2001, Serial No. 107-34.
12. "Federal Information Technology Modernization: Assessing Compliance with the Government Paperwork Elimination Act," June 21, 2001, Serial No. 107-35.
13. "The Benefits of Audio-Visual Technology in Addressing Racial Profiling," July 19, 2001, Serial No. 107-36.
14. "Preparing for the War on Terrorism," September 20, 2001, Serial No. 107-37.
15. "Oversight of the U.S. Postal Service: Ensuring the Safety of Postal Employees and the U.S. Mail," October 30, 2001, Serial No. 107-43.
16. "The National Vaccine Injury Program: Is It Working as Congress Intended?" November 1 and December 12, 2001, Serial No. 107-44.
17. "The Status of Insurance Restitution for Holocaust Victims and Their Heirs," November 8, 2001, Serial No. 107-47.

18. "Comprehensive Medical Care for Bioterrorism Exposure—Are We Making Evidenced-Based Decisions? What are the Research Needs?" November 14, 2001, Serial No. 107–45.

19. "Investigation Into Allegations of Justice Department Misconduct in New England—Volume 2," February 13, 14, and 27, 2002, Serial No. 107–56.

20. "Quickening the Pace of Research in Protecting Against Anthrax and Other Biological Terrorist Agents: A Look At Toxin Interference," February 28, 2002, Serial No. 107–64.

21. "Hearings Regarding Executive Order 13233 and the Presidential Records Act," November 6, 2001, April 11 and 24, 2002, Serial No. 107–73, held jointly with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.

22. "The Autism Epidemic—Is the NIH and CDC Response Adequate?" April 18, 2002, Serial No. 107–74.

23. "Examining Security at Federal Facilities: Are Atlanta's Federal Employees at Risk?"

24. "Critical Challenges Confronting National Security—Continuing Encroachment Threatens Force Readiness," May 16, 2002, Serial No. 107–79.

25. "The Status of Research into Vaccine Safety and Autism," June 19, 2002, Serial No. 107–121.

26. "The Department of Homeland Security: An Overview of the President's Proposal," June 20, 2002, Serial No. 107–87.

27. "Diet, Physical Activity, Dietary Supplements, Lifestyle and Health," July 25, 2002, Serial No. 107–109.

28. "Airport Baggage Screening: Meeting Goals and Ensuring Safety—Are We on Target?" August 7, 2002, Serial No. 107–134.

SUBCOMMITTEE ON THE CENSUS

Hon. Dan Miller, *Chairman*

1. "The Success of the 2000 Census," February 14, 2001, Serial No. 107–7.

2. "BEA: Is the GDP Accurately Measuring the U.S. Economy?" April 5, 2001, Serial No. 107–8.

3. "The Census Bureau's Proposed American Community Survey [ACS]," June 13, 2001, Serial No. 107–9.

4. "Americans Abroad: How Can We Count Them?" July 26, 2001, Serial No. 107–13.

SUBCOMMITTEE ON CIVIL SERVICE, CENSUS AND AGENCY ORGANIZATION

Hon. Dave Weldon, *Chairman*

1. "The National Security Implications of the Human Capital Crisis," March 29, 2001, Serial No. 107–5, held jointly with the Oversight of Government Management, Restructuring, and the District of Columbia Subcommittee, Governmental Affairs Committee, U.S. Senate.

2. "Health Care Inflation and Its Impact on the Federal Employees Health Benefits Program," October 16, 2001, Serial No. 107–63.

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES

Hon. Mark E. Souder, *Chairman*

1. "The Study of Plan Colombia: An Assessment of Successes and Challenges," March 2, 2001, Serial No. 107-24.
2. "Medical Marijuana, Federal Drug Law and the Constitution's Supremacy Clause," March 27, 2001, Serial No. 107-2.
3. "What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?" April 13, 2001, Serial No. 107-32, held jointly with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.
4. "The Role of Community and Faith-Based Organizations in Providing Effective Social Services," April 26, 2001, Serial No. 107-69.
5. "U.S. Air Interdiction Efforts in South America After the Peru Incident," May 1, 2001, Serial No. 107-61.
6. "Effective Faith-Based Treatment Programs," May 23, 2001, Serial No. 107-48.
7. "H.R. 2291, Reauthorization of the Drug Free Communities Act," June 28, 2001, Serial No. 107-65.
8. "Emerging Threats: Methamphetamines," July 12, 2001, Serial No. 107-81.
9. "Opportunities and Advancements in Stem Cell Research," July 17, 2001, Serial No. 107-38.
10. "National Youth Anti-Drug Media Campaign: How to Ensure the Program Operates Efficiently and Effectively," August 1, 2001, Serial No. 107-86.
11. "Drug Trade and the Terror Network," October 3, 2001, Serial No. 107-93.
12. "Keeping a Strong Federal Law Enforcement Work Force," October 17, 2001, Serial No. 107-104.
13. "Issues at the Northern Border," October 28, 2001, Serial No. 107-107.
14. "Issues at the Northern Border," October 29, 2001, Serial No. 107-108.
15. "Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?" November 13, 2001, Serial No. 107-116, held jointly with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations and the Subcommittee on National Security, Veterans Affairs and International Relations.

SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA

Hon. Constance A. Morella, *Chairwoman*

1. "America's Main Street: The Future of Pennsylvania Avenue," March 21, 2001, Serial No. 107-6.
2. "Coordination of Criminal Justice Activities in the District of Columbia," May 11, 2001, Serial No. 107-20.
3. "The Outlook for the District of Columbia Government: The Post-Control Board Period," June 8, 2001, Serial No. 107-15, held

jointly with the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, U.S. Senate.

4. "Reform of the Family Division of the District of Columbia Superior Court—Improving Services to Families and Children," June 26, 2001, Serial No. 107–30.

5. "Prisoner Release in the District of Columbia: The Role of Halfway Houses and Community Supervision in Prisoner Rehabilitation," July 20, 2001, Serial No. 107–23.

6. "Spring Valley—Toxic Waste Contamination in the Nation's Capital," July 27, 2001, Serial No. 107–42.

7. "Mass Transit in the National Capital Region: Meeting Future Capital Needs," September 21, 2001, Serial No. 107–89.

8. "Emergency Preparedness in the Nation's Capital," November 2, 2001, Serial No. 107–112.

9. "Emergency Preparations in the Nation's Capital: The Economic Impact of Terrorist Attacks," November 15, 2001, Serial No. 107–117.

10. "The District of Columbia School Reform Act of 1995—Blueprint for Educational Reform in the District of Columbia," December 7, 2001, Serial No. 107–128.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

Hon. Doug Ose, *Chairman*

1. "A Rush to Regulate—The Congressional Review Act and Recent Federal Regulations," March 27, 2001, Serial No. 107–14.

2. "Assessing the California Energy Crisis: How Did We Get to This Point, and Where Do We Go From Here?" April 10, 11, and 12, 2001, Serial No. 107–28, held jointly with the full Committee on Government Reform.

3. "Paperwork Inflation—Past Failures and Future Plans," April 24, 2001, Serial No. 107–68.

4. "Unfunded Mandates—A Five-Year Review and Recommendations for Change," May 24, 2001, Serial No. 107–19, held jointly with the Subcommittee on Technology and the House, Committee on Rules.

5. "Gasoline Supply—Another Energy Crisis?" June 14, 2001, Serial No. 107–55.

6. "Air Transportation—Customer Problems and Solutions," July 31, 2001, Serial No. 107–85.

7. "FERC: Regulators in Deregulated Electricity Markets," August 2, 2001, Serial No. 107–88.

8. "EPA Elevation," September 21, 2001; March 21 and July 16, 2002, Serial No. 107–135.

9. "Natural Gas Infrastructure and Capacity Constraints," October 16, 2001, Serial No. 107–126.

10. "Fuel Markets: Unstable at Any Price?" April 23, 2002, Serial No. 107–131.

SUBCOMMITTEE ON GOVERNMENT EFFICIENCY, FINANCIAL
MANAGEMENT AND INTERGOVERNMENTAL RELATIONSHon. Stephen Horn, *Chairman*

1. "Are the Financial Records of the Federal Government Reliable?" March 30, 2001, Serial No. 107-31.
2. "Oversight of the Internal Revenue Service," April 2, 2001, Serial No. 107-33.
3. "H.R. 577, To Require Any Organization that is Established for the Purpose of Raising Funds for the Creation of a Presidential Archival Depository to Disclose the Sources and Amounts of Any Funds Raised," April 5, 2001, Serial No. 107-67.
4. "Regional Offices: Are They Vital in Accomplishing the Federal Government's Mission?" April 9, 2001, Serial No. 107-49.
5. "What are the Barriers to Effective Intergovernmental Efforts to Stop the Flow of Illegal Drugs?" April 13, 2001, Serial No. 107-32, held jointly with the Subcommittee on Criminal Justice, Drug Policy and Human Resources.
6. "The Alameda Corridor Project: Its Successes and Challenges," April 16, 2001, Serial No. 107-50.
7. "Implementation of the Travel and Transportation Reform Act of 1998: Why Haven't Federal Employees Been Held Accountable for Millions of Dollars of Federal Travel Expenditures?" May 1, 2001, Serial No. 107-46.
8. "The Department of Defense: What Must be Done to Resolve DOD's Longstanding Financial Management Problems?" May 8, 2001, Serial No. 107-52.
9. "The U.S. Agency for International Development: What Must be Done to Resolve USAID's Longstanding Financial Management Problems?" May 8, 2001, Serial No. 107-53.
10. "The Department of Agriculture: What Must be Done to Resolve USDA's Longstanding Financial Management Problems?" May 8, 2001, Serial No. 107-54.
11. "H.R. 866, To Prohibit the Provision of Financial Assistance by the Federal Government to Any Person Who is More Than 60 Days Delinquent in the Payment of Any Child Support Obligation," June 6, 2001, Serial No. 107-72.
12. "How Effectively Are State and Federal Agencies Working Together to Implement the Use of New DNA Technologies?" June 12, 2001, Serial No. 107-57.
13. "The Results Act: Has it Met Congressional Expectations?" June 19, 2001, Serial No. 107-75.
14. "Is The CIA's Refusal to Cooperate with Congressional Inquiries a Threat to Effective Oversight of the Operations of the Federal Government," July 18, 2001, Serial No. 107-59, held jointly with the Subcommittee on National Security, Veterans Affairs and International Relations.
15. "The Defense Department's Illegal Manipulation of Appropriated Funds," July 26, 2001, Serial No. 107-60.
16. "The Use and Abuse of Government Purchase Cards: Is Anyone Watching?" July 30, 2001, Serial No. 107-62.
17. "Local Economy, Environment, and Intergovernmental Cooperations: What Can be Learned from Fort Ord?" August 28, 2001, Serial No. 107-76.

18. "What Can be Done to Reduce the Threats Posed by Computer Viruses and Worms to the Workings of Government?" August 29, 2001, Serial No. 107-77.

19. "Information Technology—Essential Yet Vulnerable: How Prepared Are We for Attacks?" September 26, 2001, Serial No. 107-78.

20. "The Silent War: Are Federal, State and Local Governments Prepared for Biological and Chemical Attacks?" October 5, 2001, Serial No. 107-95.

21. "The Debt Collection Improvement Act of 1996: How Well is it Working?" October 10, 2001, Serial No. 107-96.

22. "Hearings Regarding Executive Order 13233 and the Presidential Records Act," November 6, 2001, April 11 and 24, 2002, Serial No. 107-73, held jointly with the full Committee on Government Reform.

23. "Computer Security in the Federal Government: How Do the Agencies Rate?" November 9, 2001, Serial No. 107-115.

24. "Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?" November 13, 2001, Serial No. 107-116, held jointly with the Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on National Security, Veterans Affairs and International Relations.

25. "Does America Need a National Identifier?" November 16, 2001, Serial No. 107-118.

26. "The Debt Collection Improvement Act of 1996: How Well is it Working?" December 5, 2001, Serial No. 107-102.

27. "The President's Management Agenda: Getting Agencies from Red to Green," February 15, 2002, Serial No. 107-119.

28. "How Effectively are Federal State and Local Governments Working Together to Prepare for a Biological, Chemical or Nuclear Attack," March 1, 2002, Serial No. 107-120.

29. "Lessons Learned from the Government Information Security Reform Act of 2000," March 6, 2002, Serial No. 107-124.

30. "Kids and Cafeterias: How Safe are Federal School Lunches?" April 30, 2002, Serial No. 107-112, held jointly with the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, Committee on Governmental Affairs, U.S. Senate.

SUBCOMMITTEE ON NATIONAL SECURITY, VETERANS AFFAIRS AND
INTERNATIONAL RELATIONS

Hon. Christopher Shays, *Chairman*

1. "Defense Security Service: Mission Degradation?" March 2, 2001, Serial No. 107-40.

2. "Vulnerabilities to Waste, Fraud, and Abuse: General Accounting Office Views on National Defense and International Relations Programs," March 7, 2001, Serial No. 107-22.

3. "Vulnerabilities to Waste, Fraud, and Abuse: Inspectors General Views on National Security, International Relations, and Trade Programs," March 15, 2001, Serial No. 107-51.

4. "Combating Terrorism: In Search of a National Strategy," March 27, 2001, Serial No. 107-18.

5. "Protecting American Interests Abroad: U.S. Citizens, Businesses and Nongovernmental Organizations," April 3, 2001, Serial No. 107-16.

6. "Combating Terrorism: Options to Improve Federal Response," April 24, 2001, Serial No. 107-58, held jointly with the Subcommittee on Economic Development, Public Buildings, and Emergency Management, Committee on Transportation and Infrastructure.

7. "Combating Terrorism: Management of Medical Supplies," May 1, 2001, Serial No. 107-17.

8. "Rule of Law Assistance Programs," May 17, 2001, Serial No. 107-66.

9. "Aircraft Cannibalization: An Expensive Appetite?" May 22, 2001, Serial No. 107-70.

10. "Biological Weapons Convention Protocol: Status and Implications," June 5, 2001, Serial No. 107-71.

11. "Hepatitis C: Screening in the VA Health Care System," June 14, 2001, Serial No. 107-97.

12. "Biological Weapons Convention Protocols: Status and Implications," July 10, 2001, Serial No. 107-98.

13. "Is the CIA's Refusal to Cooperate with Congressional Inquiries a Threat to Effective Oversight of the Operations of the Federal Government?" July 18, 2001, Serial No. 107-59, held jointly with the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.

14. "Combating Terrorism: Federal Response to a Biological Weapons Attack," July 23, 2001, Serial No. 107-99.

15. "Federal Interagency Data-Sharing and National Security," July 24, 2001, Serial No. 107-100.

16. "F-22 Cost Controls: How Realistic Are Production Cost Reduction Plan Estimates?" August 2, 2001, Serial No. 107-101.

17. "Sustaining Critical Military Training Facilities: Avon Park Air Force Range," August 4, 2001, Serial No. 107-106.

18. "Combating Terrorism: Assessing the Threat of a Biological Weapons Attack," October 12, 2001, Serial No. 107-103.

19. "Biological Warfare Defense Vaccine Research and Development Program," October 23, 2001, Serial No. 107-105.

20. "Chemical and Biological Defense: DOD Medical Readiness," November 7, 2001, Serial No. 107-114.

21. "Law Enforcement: Are Federal, State, and Local Agencies Working Together Effectively?" November 13, 2001, Serial No. 107-116, held jointly with the Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations.

22. "Risk Communication: National Security and Public Health," November 29, 2001, Serial No. 107-122.

23. "Managing Radio Frequency Spectrum: Military Readiness and National Security," April 23, 2002, Serial No. 107-84.

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

Hon. Thomas M. Davis, *Chairman*

1. "Telework Policies," March 22, 2001, Serial No. 107-1.

2. "Enterprise-Wide Strategies for Managing Information Resources and Technology: Learning from State and Local Governments," April 3, 2001, Serial No. 107-4.
3. "FTS 2001: How and Why Transition Delays Have Decreased Competition and Increased Prices," April 26, 2001, Serial No. 107-21.
4. "The Next Steps in Services Acquisition Reform: Learning from the Past, Preparing for the Future," May 22, 2001, Serial No. 107-39.
5. "Ensuring Program Goals Are Met: A Review of the Metropolitan Area Acquisition Program," June 13, 2001, Serial No. 107-41.
6. "The Best Services at the Lowest Price: Moving Beyond a Black and White Discussion of Outsourcing," June 28, 2001, Serial No. 107-80.
7. "Toward Greater Public-Private Collaboration in Research and Development: How the Treatment of Intellectual Property Rights is Minimizing Innovation in the Federal Government," July 17, 2001, Serial No. 107-90.
8. "Public Service for the 21st Century: Innovative Solutions to the Federal Government's Technology Workforce Crisis," July 31, 2001, Serial No. 107-91.
9. "Toward a Telework-Friendly Government Workplace: An Update on Public and Private Approaches to Telecommuting," September 6, 2001, Serial No. 107-125.
10. "The Use of Public-Private Partnerships as a Management Tool for Federal Real Property," October 1, 2001, Serial No. 107-92.
11. "Transforming the IT and Acquisition Workforces," October 4, 2001, Serial No. 107-94.
12. "Moving Forward with Services Acquisition Reform: A Legislative Approach to Utilizing Commercial Best Practices," November 1, 2001, Serial No. 107-111.

VIEWS OF THE RANKING MINORITY MEMBER

VIEWS OF HON. HENRY A. WAXMAN

While I agree with elements of the chairman's report, there are several sections that warrant a response as discussed below.

COMMITTEE REPORTS

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

"Problems with the Presidential Gifts System," House Report No. 107-768, October 28, 2002, Seventh Report by the Committee on Government Reform, together with Minority and Additional Views

Reforms to the Presidential gift process are needed. Unfortunately, the subcommittee's report does not seriously review the gift process for the purpose of reform. Instead, the report is only a partisan review of gifts given to President and Mrs. Clinton.

It is true that President and Mrs. Clinton accepted numerous gifts. President and Mrs. Clinton accepted gifts totaling an average of \$28,093 annually, adjusted for inflation, which is a very large amount to the average American. But former President Bush accepted \$39,614 annually—far more than President Clinton. If the committee wanted to conduct a fair investigation into the problem of Presidential gifts, it would have looked at the practices of both Democratic and Republican administrations.

This report also strikes a partisan note by singling out President Clinton's records for disclosure. The majority chose not to disclose the records of President George W. Bush, former President Reagan, or former President George H.W. Bush. Furthermore, this report scrutinizes the employment history of one Clinton White House employee but fails to review the resumes of Republican administration employees.

OVERSIGHT HEARINGS

FULL COMMITTEE

The Controversial Pardon of International Fugitive Marc Rich, Day 1, February 8, 2001

In its description of the February 8, 2001, hearing on "The Controversial Pardon of International Fugitive Marc Rich," the majority makes observations that unfairly characterize the record of the hearing. The majority writes that "the Justice Department was never formally consulted by the White House, and the prosecutors responsible for the case did not know the pardon was being considered until after it was granted." In the very same paragraph, how-

ever, the majority acknowledges that “White House Counsel Beth Nolan asked [Deputy Attorney General Eric] Holder for his position on the Rich pardon.” It is inaccurate to conclude that no consultation occurred when the counsel to the President personally consulted the second highest ranking official in the Justice Department.

The majority writes that Mr. Holder “stated to Ms. Nolan that he was ‘neutral, leaning toward favorable’ on the pardon. Holder took this position despite the fact that he knew little about the case, other than the fact that Rich was a wanted fugitive.” The majority’s suggestion that Mr. Holder supported the pardon and knew only that Mr. Rich was a fugitive is a distortion of Mr. Holder’s hearing testimony. Mr. Holder testified that by “neutral,” he meant that he had no opinion based on the little he knew about the case. By “leaning toward favorable,” Mr. Holder said he meant that he would be moved in a positive direction if there were foreign policy benefits that would be reaped by granting the pardon. He had testified that he had been told that Israeli Prime Minister Ehud Barak had weighed in strongly on behalf of the pardon request.

The Controversial Pardon of International Fugitive Marc Rich, Day 2, March 1, 2001

In its summary of the March 1, 2001, hearing on “The Controversial Pardon of International Fugitive Marc Rich,” the majority omits significant testimony. The majority writes that former White House Counsel Beth Nolan, former Deputy White House Counsel Bruce Lindsey, and former White House Chief of Staff John Podesta “all testified that they were strongly opposed to the Rich pardon, but that the President granted the pardon despite their advice.” Every one of those witnesses also testified that while they disagreed with the President’s decision, they all believed that he made a decision based on his evaluation of the merits. Every one of those witnesses also testified that they had no reason to believe that a quid pro quo or any other improper consideration influenced the President’s exercise of the pardon power.

The majority writes that I. Lewis “Scooter” Libby, Vice President Cheney’s chief of staff and formerly a lawyer representing Marc Rich, “was questioned regarding his role in the Rich case, which predated any effort to obtain a pardon, and was instead limited to efforts to settle Rich’s criminal case with prosecutors in New York.” Mr. Libby made several other significant points in the hearing. For example, he testified that:

- he agreed with five of the substantive reasons President Clinton had published to explain the pardon of Marc Rich;
- the U.S. Attorney’s office for the Southern District of New York, which had obtained the indictment of Mr. Rich, had “misconstrued the facts and the law, and looking at all of the evidence of the defense . . . he had not violated the tax laws;”
- if it had been decided to pursue a pardon during his representation of Mr. Rich, he could have put together a good and defensible case for the pardon;

- he thought his client, Mr. Rich, was a traitor to the United States; and
- on January 22, 2001, he called Mr. Rich at home and congratulated him on reaching a result that Mr. Rich had sought for a long time.

Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research, March 20, 2001; and Autism—Why the Increased Rates? April 25–26, 2001

The majority's activities report sections regarding its investigation into health issues contains several omissions. Under the hearing, *Six Years After the Enactment of DSHEA: The Status of National and International Dietary Supplement Regulation and Research*, the majority fails to include a description of testimony that raised concerns about the safety of some dietary supplements and suggested the need for greater regulation of these products. Under the hearing, *Autism—Why the Increased Rates?*, the majority fails to include descriptions of testimony of scientific witnesses who have examined the theory that autism can be caused by the MMR vaccine and have concluded that there is no evidence to support the theory and that the theory itself is fragmentary.

The Use of Prosecutorial Powers in the Investigation of Joseph M. Gersten, June 15, 2001

In its summary of the committee's June 15, 2001, hearing on *The Use of Prosecutorial Powers in the Investigation of Joseph Gersten*, the majority restates conclusions of an April 10, 2001, staff report that were directly contradicted by every witness who gave testimony in the hearing. The majority first states, "A review of the available evidence suggests that individuals participated in a conspiracy to make allegations against Gersten involving drug use and consorting with prostitutes that they knew to be false." At the hearing, which the majority's activities report purports to summarize, every witness gave testimony directly contradicting the majority's conclusion of prosecutorial misconduct. In fact, the witnesses testified that Mr. Gersten was never indicted for any offense, had been cited for contempt of court for refusing to cooperate with the State's investigation, and had left the jurisdiction before a criminal proceeding would have required that he receive the State's evidence against him.

The current and former prosecutors who appeared at the hearing all testified that they were aware that the witnesses who gave information about Mr. Gersten had extensive criminal records and dubious credibility. They testified that the existence of incriminating physical evidence nevertheless caused them to seek corroboration for the witness statements and to seek information from Mr. Gersten himself. They testified that despite a subpoena ordering Mr. Gersten to testify before the Florida State attorney, which conferred upon him a grant of use immunity from prosecution, Mr. Gersten refused to testify. The hearing testimony revealed that after three motions to quash the subpoena, a State court judge held Mr. Gersten in civil contempt and confined him to jail until he agreed to testify. Although an appellate court later ordered him re-

leased during the pendency of his appeals, the contempt order was upheld in all respects in six different State and Federal judicial proceedings. To date, Mr. Gersten continues to reside outside the United States and has not submitted to questioning by Florida authorities.

The majority also writes that “[t]wo of the principal attorneys who conducted the investigation declined to be interviewed by committee staff, necessitating the hearing.” The majority fails to mention, however, that prior to any attempt to interview the prosecutors involved in the case, the majority staff released a report unfairly concluding that State prosecutors had engaged in serious misconduct. For example, the majority wrote, “It appears, as new facts emerge, that the vast power of the state was used to destroy [Mr. Gersten].” They also wrote that “government officials acted in extreme bad faith” and “were more concerned about using allegations to harm Gersten than to find the truth.” Mr. Band testified: “Had [majority] counsel for the committee contacted me some 6 months ago, I believe I would have happily met with him on or off the record. I was not contacted until after the report was issued. I believed the report made insinuations which were unfair.” Mr. Gregorie testified:

What happened was, I was informed that this committee wished to speak to me and I was informed of that after a report had already been written which indicated that there was wrongdoing, without anyone having spoken to me. I then contacted someone who knows the system up here . . . and they told me, Dick, you shouldn’t go in and answer questions where a part of your answer may be taken—you may not be able to have your full story told. Make sure you go before the committee, where there are rules, where everyone will be there and where the public will be able to hear and see all that is said to you and all that you answer.

SUBCOMMITTEES

SUBCOMMITTEE ON THE CENSUS

The majority’s summary of the February 14, 2001, hearing on the 2000 census is inaccurate and misleading. The 1990 census was not the first time that response rates fell, as the summary indicates. GAO report GAO/GGD-92-94 (page 36) indicates that the response rate went from 78 percent in 1970 to 75 percent in 1980 to 65 percent in 1990. The response rate was also 65 percent in 2000. The mail return rate, a more accurate measure of public participation in the census went from 87 percent in 1970 to 83 percent in 1980 to 74 percent in 1990. This decline continued in 2000 where the return rate was 72 percent.

More importantly, the summary of this hearing is misleading in suggesting that the 2000 census is more accurate than 1990. This statement is true only if you believe that counting some people twice is a sufficient correction for missing others. In 1990, the census missed 8.4 million people and counted 4.4 million people twice. In 2000, the census missed 6.5 million people and counted 6.1 mil-

lion people twice. If all the people missed were in Texas and all the people counted twice were in California, the majority would not be so happy with the census results. In fact, those missed in the census tend to be the poor and minorities, while those counted twice tend to be affluent and white. We believe that an equitable census should be our goal, not one which substitutes one kind of error for another.

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND
REGULATORY AFFAIRS

When the minority suggests that the subcommittee invite certain witnesses to upcoming hearings, the subcommittee majority often agrees to invite those witnesses. However, the subcommittee majority treats the testimony of these witnesses differently from the testimony of the other witnesses. For instance, the majority's activities report often lists all witnesses who testified at the hearing except those witnesses who were originally suggested by the minority. Furthermore, on the official subcommittee Web site, the subcommittee majority posts the testimony of the witnesses that testified except the testimony of witnesses who were originally suggested by the minority.

The following are examples of witnesses originally suggested by the minority and who ultimately testified, yet who were not included in the list of witnesses in the majority's activities report:

"Regulatory Accounting: Costs and Benefits of Federal Regulations," March 12, 2002 (listed in the majority's report as number 14): Lisa Heinzerling, professor of law, Georgetown Law Center; and Joan Claybrook, president, Public Citizen and former Administrator of the National Highway Traffic Safety Administration.

"Fuel Markets: Unstable at Any Price?," April 23, 2002 (listed as number 17): A. Blakeman Early, environmental consultant, American Lung Association.

"EPA Cabinet Elevation: Agency and Stockholder Views, Part III," July 16, 2002 (listed as number 20): Wesley Warren, senior fellow for environmental economics, Natural Resources Defense Council.

"Agency Implementation of the SWANCC Decision," September 19, 2002 (listed as number 22): Gary Guzy, former EPA General Counsel; and Patrick Parenteau, professor of law, Vermont Law School.

The majority's failure to include these witnesses in its activities report and to include the witnesses' testimony on the subcommittee's Web site is regrettable. It could result in readers of the activities report and visitors to the Web site mistakenly believing that they have access to a complete witness list and all of the testimony, when in fact they have access only to a censored version.

"Accountability for Presidential Gifts," February 12, 2002

The minority agrees that reviewing the Presidential gift process is important. Unfortunately, the majority chose only a partisan review of gifts given to President and Mrs. Clinton. The majority seems to focus on the fact that President Clinton accepted "close to \$200,000 in gifts . . . during his final year in office." The

\$190,000 worth of gifts was given over the 8 years President Clinton was in office which averages \$28,093 annually, adjusted for inflation. That is a very large amount to the average American. But former President Bush accepted \$39,614 annually—far more than President Clinton. It is also important to note that representatives of President George W. Bush declined to testify about the current administration.

“California Independent System Operator: Governance and Design of California’s Electricity Market,” February 22, 2002

News reports and investigations by the Federal Energy Regulatory Commission have found extensive manipulation of the energy markets in California. Despite this, the majority’s activity report fails to list market manipulation as a major factor in the electricity crisis.

“Regulatory Accounting: Costs and Benefits of Federal Regulations,” March 12, 2002

In its December 21, 2001, Regulatory Accounting Report, the Office of Management and Budget [OMB] concluded that the benefits of regulation outweighed their cost. It found that “the cost of social regulation—health, safety, and environmental regulation—ranged from approximately \$150 billion to \$230 billion per year. Estimates on benefits—which are more difficult to measure—ranged from \$250 billion per year to more than \$1 trillion.” The report also estimated that the “annual cost of paperwork or process regulation is approximately \$195 billion—\$160 billion of which is for tax compliance.” The report notes that these costs “should not be added to our estimates of the costs of regulation because it would result in some double counting.” It also states that “[a]t present, we do not know how to estimate the value of the total annual benefits to society of the information the government collects from the public.”

“Paperwork Inflation: The Growing Burden on America,” April 11, 2002

The majority’s activities report misstates OMB’s estimated cost of all paperwork imposed on the public. OMB estimated that the annual cost of paperwork is \$195 billion, not \$230 billion.

“Fuel Markets: Unstable at Any Price,” April 23, 2002

Regulation is not the root cause of constraints in gasoline supplies. Rather, refining capacity declined in response to low returns on investment (due in part to excess refining capacity). Furthermore, it is important to note that the gasoline industry encouraged the use of boutique fuels.

“Energy: Maximizing Resources, Meeting Needs, Retaining Jobs,” June 17, 2002

This hearing was held at the request of Representative John Tierney in Peabody, MA. Over 85 percent of U.S. energy needs are met by oil (40 percent), gas (23 percent), and coal (23 percent). The United States relies on renewables—such as solar, wind, hydroelectric, geothermal and biomass projects—for less than 7 percent of its energy needs. Nuclear power provides the remaining 8 per-

cent. Instability in the Middle East, price spikes, rolling blackouts on the West Coast, and fossil-related pollution (which contributes to global warming and harms the environment and public health) have led to calls for energy efficiency, conservation, and greater diversification of our energy resources.

Studies indicate that, if Federal and State policies are thoughtfully developed, the United States can diversify its energy sources, protect the environment, and simultaneously experience growth in net employment and the economy. For instance, in October 2001, the World Wildlife Fund [WWF] released a report entitled, "Clean Energy: Jobs for America's Future," which analyzes the impact of implementing the "Climate Protection Scenario" proposed by the WWF. The scenario included stricter environmental protections (such as a cap on carbon emissions and greenhouse gas standards for fuels) and energy efficiency policies (such as stricter building codes and efficiency standards for appliances, equipment, and motor vehicles), and a renewable portfolio standard [RPS]. The report estimates that net annual employment would increase by over 700,000 jobs in 2010, rising to approximately 1.3 million by 2020, gross domestic product would be about \$43.9 billion above the base case in 2020, and 20 percent of the electricity generation needed in 2020 would come from wind, solar, biomass, and geothermal energy.

In another study, the Renewable Energy Policy Project estimated that Nevada's RPS, which requires that 15 percent of electricity sold in 2013 be from renewable sources, will create over 8,000 full time installation, oversight, and management jobs in Nevada over a 10-year period. In addition, it will create another 19,000 manufacturing jobs over that 10-year period. In a third study, the Energy Information Analysis estimates that a nationwide 10 percent RPS would reduce the national energy bill by \$15 billion per year by 2020 compared to a heavily fossil-based supply mix.

In addition to the witnesses listed in the majority's activities report, George Sterzinger, executive director of the Renewable Energy Policy Project, also testified.

"California Electricity Markets: The Case of Enron and Perot Systems," July 22, 2002

In March 1997, Perot Systems Consulting, Inc., a Texas-based company, was hired as a consultant on a \$57 million contract to help design the computer systems for the California Independent Systems Operator [Cal ISO] and the California Power Exchange [PX]. While performing the work on that contract, Perot Systems partnered with Policy Assessment Corp., a Colorado-based company, to market its consulting services to help energy companies maximize profits in the California energy market. The partnership gave marketing presentations to energy companies including Enron Corp., Southern California Edison, and Pacific Gas & Electric. California State Senator Joseph Dunn (D-Santa Ana) uncovered documents indicating that Perot Systems Consulting may have marketed inside information to energy suppliers on how to game the California markets. Many were concerned that Perot Systems shared confidential information, acted in conflict with its contract with California, or encouraged illegal gaming. It is important to

note that the expert witness mentioned in the majority's activities report who concluded that Perot Systems did not share confidential information was hired by Perot Systems and only reviewed market presentation booklets. The expert witness did not interview the meeting attendees, review emails between Perot Systems or Policy Assessment Corp. and the market participants, or otherwise attempt to learn what was discussed at the meetings at issue.

"Agency Implementation of the SWANCC Decision," September 19, 2002

The joint memorandum from the EPA and the Corps clarifies that the Supreme Court's finding should be read narrowly. The Supreme Court found that Clean Water Act jurisdiction over isolated waters cannot be based solely on the fact that the water may be habitat for migratory birds. The Bush administration agrees with this memorandum. Nevertheless, a few regional offices and courts have interpreted the Supreme Court's finding more broadly. Therefore, many have asked for additional clarification from the Bush administration.

